

# SENATE MOTION

MR. PRESIDENT:

**I move** that Engrossed House Bill 1001(ss) be amended to read as follows:

- 1       Page 11, delete lines 16 through 42, begin a new paragraph and
- 2       insert:
- 3       "SECTION 15. IC 4-31-1-2 IS AMENDED TO READ AS
- 4       FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. The ~~purpose~~
- 5       **purposes** of this article ~~is~~ **are** to:
- 6       (1) permit pari-mutuel wagering on horse races in Indiana; ~~and to~~
- 7       (2) **permit the sale of pari-mutuel pull tabs at racetracks and**
- 8       **satellite facilities in Indiana;**
- 9       (3) ensure that ~~the sale of pari-mutuel pull tabs and~~ pari-mutuel
- 10       wagering on horse races in Indiana will be conducted with the
- 11       highest of standards and the greatest level of integrity; ~~and~~
- 12       (4) **maximize and preserve state revenues generated from the**
- 13       **various forms of permitted gaming and wagering by ensuring**
- 14       **that the various forms of permitted gaming and wagering**
- 15       **occur in different geographic regions of the state.**
- 16       SECTION 16. IC 4-31-2-11.5 IS ADDED TO THE INDIANA
- 17       CODE AS A NEW SECTION TO READ AS FOLLOWS
- 18       [EFFECTIVE JULY 1, 2002]: Sec. 11.5. "Pari-mutuel pull tab"
- 19       **means a game offered to the public in which a person who**
- 20       **purchases a ticket or simulated ticket has the opportunity to share**
- 21       **in a prize pool, multiple prize pools, or a shared prize pool**
- 22       **consisting of the total amount wagered in the game minus**
- 23       **deductions by the permit holder selling the pari-mutuel pull tab**
- 24       **and other deductions either permitted or required by law.**
- 25       SECTION 17. IC 4-31-4-1.3 IS AMENDED TO READ AS
- 26       FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1.3. (a) This section
- 27       does not apply to a person who satisfies all of the following:
- 28       (1) The person was issued a satellite facility license before
- 29       January 2, 1996.

(2) The person operated a satellite facility before January 2, 1996.

(3) The person is currently operating the satellite facility under the license.

(b) A person may not operate under a satellite facility license unless both of the following apply:

(1) The county fiscal body of the county in which the satellite facility will be operated has adopted an ordinance under section 2.5 of this chapter.

(2) The person secures a license under IC 4-31-5.5.

**(c) Notwithstanding any other provision of this article, subsection (b)(1) does not apply to a permit holder who:**

**(1) was issued a permit before January 1, 2002; and**

**(2) files an application to operate a satellite facility in a county having a consolidated city.**

SECTION 18. IC 4-31-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) A county fiscal body may adopt an ordinance permitting the filing of applications under IC 4-31-5 to conduct pari-mutuel wagering on horse races at racetracks in the county. However, before adopting the ordinance, the county fiscal body must:

(1) conduct a public hearing on the proposed ordinance; and

(2) publish notice of the public hearing in the manner prescribed by IC 5-3-1.

(b) The county fiscal body may:

(1) require in the ordinance adopted by the county fiscal body that before applications under IC 4-31-5 to conduct pari-mutuel wagering on horse races at racetracks in the county may be filed, the voters of the county must approve the conducting of horse racing meetings in the county under section 3 of this chapter; or  
(2) amend an ordinance already adopted by the county fiscal body to require that before applications under IC 4-31-5 to conduct pari-mutuel wagering on horse races at racetracks in the county may be filed, the voters of the county must approve the conducting of horse racing meetings in the county under section 3 of this chapter.

An ordinance adopted under this section may not be amended to apply to a person who has already been issued a permit under IC 4-31-5 before amendment of the ordinance.

**(c) An ordinance adopted under this section authorizing a person to conduct pari-mutuel wagering on horse races at racetracks in the county may not be adopted or amended with the intent to restrict a permit holder's ability to sell pari-mutuel pull tabs under IC 4-31-7.5. An ordinance adopted by the county fiscal body permitting the sale of pari-mutuel pull tabs is not a requirement for the lawful sale of pari-mutuel pull tabs under IC 4-31-7.5.**

SECTION 19. IC 4-31-4-2.5 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2.5. (a) A county fiscal body may adopt an ordinance permitting the filing of applications under IC 4-31-5.5 for operation of a satellite facility in the county. However, before adopting the ordinance, the county fiscal body must:

- (1) conduct a public hearing on the proposed ordinance; and
- (2) publish notice of the public hearing in the manner prescribed by IC 5-3-1.

(b) The county fiscal body may:

- (1) require in the ordinance adopted by the county fiscal body that before applications under IC 4-31-5.5 to operate a satellite facility in the county may be filed, the voters of the county must approve the operation of a satellite facility in the county under section 3 of this chapter; or
- (2) amend an ordinance already adopted in the county to require that before applications under IC 4-31-5.5 to operate a satellite facility in the county may be filed, the voters of the county must approve the operation of a satellite facility in the county under section 3 of this chapter.

An ordinance adopted under this section may not be amended to apply to a person who was issued a license under IC 4-31-5.5 before the ordinance was amended.

**(c) Notwithstanding any other provision of this article, this section does not apply to a permit holder who:**

- (1) was issued a permit before January 1, 2002; and**
- (2) files an application to operate a satellite facility in a county having a consolidated city.**

SECTION 20. IC 4-31-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) This section does not apply to either of the following:

- (1) A permit holder who satisfies all of the following:
  - (A) The permit holder was issued a permit before January 2, 1996.
  - (B) The permit holder conducted live racing before January 2, 1996.
  - (C) The permit holder is currently operating under the permit.
- (2) A person who satisfies all of the following:
  - (A) The person was issued a satellite facility license before January 2, 1996.
  - (B) The person operated a satellite facility before January 2, 1996.
  - (C) The person is currently operating the satellite facility under the license.

(b) This section applies if either of the following apply:

- (1) Both of the following are satisfied:
  - (A) An ordinance is adopted under section 2 or 2.5 of this chapter.
  - (B) The ordinance requires the voters of the county to approve

1           either of the following:

2           (i) The conducting of horse racing meetings in the county.

3           (ii) The operation of a satellite facility in the county.

4           (2) A local public question is required to be held under section  
5           2.7 of this chapter following the filing of a petition with the  
6           circuit court clerk:

7           (A) signed by at least the number of registered voters of the  
8           county required under IC 3-8-6-3 to place a candidate on the  
9           ballot; and

10          (B) requesting that the local public question set forth in  
11          subsection (d) be placed on the ballot.

12          (c) Notwithstanding any other provision of this article, the  
13          commission may not issue a recognized meeting permit under  
14          IC 4-31-5 to allow the conducting of or the assisting of the conducting  
15          of a horse racing meeting unless the voters of the county in which the  
16          property is located have approved conducting recognized meetings in  
17          the county.

18          (d) For a local public question required to be held under subsection  
19          (c), the county election board shall place the following question on the  
20          ballot in the county during the next general election:

21                 "Shall horse racing meetings at which pari-mutuel wagering  
22                 occurs be allowed in \_\_\_\_\_ County?".

23          (e) Notwithstanding any other provision of this article, the  
24          commission may not issue a satellite facility license under IC 4-31-5.5  
25          to operate a satellite facility unless the voters of the county in which the  
26          satellite facility will be located approve the operation of the satellite  
27          facility in the county.

28          (f) For a local public question required to be held under subsection  
29          (e), the county election board shall place the following question on the  
30          ballot in the county during the next general election:

31                 "Shall satellite facilities at which pari-mutuel wagering occurs be  
32                 allowed in \_\_\_\_\_ County?".

33          (g) A public question under this section must be certified in  
34          accordance with IC 3-10-9-3 and shall be placed on the ballot in  
35          accordance with IC 3-10-9.

36          (h) The circuit court clerk of a county holding an election under this  
37          chapter shall certify the results determined under IC 3-12-4-9 to the  
38          commission and the department of state revenue.

39          (i) If a public question is placed on the ballot under subsection (d)  
40          or (f) in a county and the voters of the county do not vote in favor of the  
41          public question, a second public question under that subsection may  
42          not be held in the county for at least two (2) years. If the voters of the  
43          county vote to reject the public question a second time, a third or  
44          subsequent public question under that subsection may not be held in  
45          the county until the general election held during the tenth year  
46          following the year of the previous public question held under that  
47          subsection.

1       (j) Notwithstanding any other provision of this article, this  
2 section does not apply to a permit holder who:

3       (1) was issued a permit before January 1, 2002; and

4       (2) files an application to operate a satellite facility in a county  
5 having a consolidated city.

6       SECTION 21. IC 4-31-5-6 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) The commission  
8 may not issue a recognized meeting permit unless the applicant has  
9 filed with the commission:

10       (1) a financial statement prepared and certified by a certified  
11 public accountant in accordance with sound accounting practices,  
12 showing the net worth of the applicant;

13       (2) a statement from the department of state revenue and the  
14 treasurer of state that there are no pari-mutuel taxes or other  
15 obligations owed by the applicant to the state or any of its  
16 departments or agencies;

17       (3) a statement from the county treasurer of the county in which  
18 the applicant proposes to conduct horse racing meetings that there  
19 are no real or personal property taxes owed by any of the  
20 principals seeking the permit; and

21       (4) a statement of obligations that are owed or being contested,  
22 including salaries, purses, entry fees, laboratory fees, and debts  
23 owed to vendors and suppliers.

24       (b) In addition to the requirements of subsection (a), the commission  
25 may not issue a recognized meeting permit for a recognized meeting to  
26 occur in a county unless IC 4-31-4 has been satisfied.

27       (c) **In addition to the requirements of subsections (a) and (b), the**  
28 **commission may not issue a recognized meeting permit for a**  
29 **recognized meeting to occur at a location within thirty (30) linear**  
30 **miles of a location for which a another permit holder has been**  
31 **issued a recognized meeting permit for a recognized meeting to**  
32 **occur.**

33       SECTION 22. IC 4-31-5-15 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 15. **Except as**  
35 **provided in IC 4-31-7.5,** any fees or penalties collected by the  
36 commission under IC 4-31-3-9(1)(E) through IC 4-31-3-9(1)(G) shall  
37 be paid into the state general fund.

38       SECTION 23. IC 4-31-5.5-3 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) As used in this  
40 section, "live racing day" means a day on which at least eight (8) live  
41 horse races are conducted.

42       (b) The commission's authority to issue satellite facility licenses is  
43 subject to the following conditions:

44       (1) The commission may issue four (4) satellite facility licenses  
45 to each permit holder that:

46       (A) conducts at least one hundred twenty (120) live racing  
47 days per year at the racetrack designated in the permit holder's

- 1 permit; and
- 2 (B) meets the other requirements of this chapter and the rules
- 3 adopted under this chapter.
- 4 If a permit holder that operates satellite facilities does not meet
- 5 the required minimum number of live racing days, the permit
- 6 holder may not operate the permit holder's satellite facilities
- 7 during the following year. However, the requirement for one
- 8 hundred twenty (120) live racing days does not apply if the
- 9 commission determines that the permit holder is prevented from
- 10 conducting live horse racing as a result of a natural disaster or
- 11 other event over which the permit holder has no control. In
- 12 addition, if the initial racing meeting conducted by a permit
- 13 holder commences at such a time as to make it impractical to
- 14 conduct one hundred twenty (120) live racing days during the
- 15 permit holder's first year of operations, the commission may
- 16 authorize the permit holder to conduct simulcast wagering during
- 17 the first year of operations with fewer than one hundred twenty
- 18 (120) live racing days.
- 19 (2) Each proposed satellite facility must be covered by a separate
- 20 application. The timing for filing an initial application for a
- 21 satellite facility license shall be established by the rules of the
- 22 commission.
- 23 (3) A satellite facility must:
  - 24 (A) have full dining service available;
  - 25 (B) have multiple screens to enable each patron to view
  - 26 simulcast races; and
  - 27 (C) be designed to seat comfortably a minimum of four
  - 28 hundred (400) persons.
- 29 (4) In determining whether a proposed satellite facility should be
- 30 approved, the commission shall consider the following:
  - 31 (A) The purposes and provisions of this chapter.
  - 32 (B) The public interest.
  - 33 (C) The impact of the proposed satellite facility on live racing.
  - 34 (D) The impact of the proposed satellite facility on the local
  - 35 community.
  - 36 (E) The potential for job creation.
  - 37 (F) The quality of the physical facilities and the services to be
  - 38 provided at the proposed satellite facility.
  - 39 (G) Any other factors that the commission considers important
  - 40 or relevant to its decision.
- 41 (5) The commission may not issue a license for a satellite facility
- 42 to be located in a county unless IC 4-31-4 has been satisfied.
- 43 **(6) Not more than one (1) license may be issued to each permit**
- 44 **holder to operate a satellite facility located in a county having**
- 45 **a consolidated city. The maximum number of licenses that the**
- 46 **commission may issue for satellite facilities to be located in a**
- 47 **county having a consolidated city is two (2) licenses.**

SECTION 24. IC 4-31-5.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. A permit holder or group of permit holders that is authorized to operate satellite facilities may accept and transmit pari-mutuel wagers on horse racing at those facilities and may engage in all activities necessary to establish and operate appropriate satellite wagering facilities, including the following:

- (1) Live simulcasts of horse racing conducted at the permit holder's racetrack or at other racetracks. However, a satellite facility operated by a permit holder may not simulcast races conducted in other states on any day that is not a live racing day (as defined in section 3 of this chapter) unless the satellite facility also simulcasts all available races conducted in Indiana on that day.
- (2) Construction or leasing of satellite wagering facilities.
- (3) Sale of food and beverages.
- (4) Advertising and promotion.
- (5) **Sale of pari-mutuel pull tabs authorized under IC 4-31-7.5.**
- (6) All other related activities.

SECTION 25. IC 4-31-5.5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 7. A zoning ordinance that permits real property to be used as a racetrack for the purpose of conducting live pari-mutuel horse racing must be construed to authorize the permit holder to operate a satellite facility on the real property. An ordinance described in this section may not be amended to prohibit the permit holder from operating a satellite facility on the real property.**

SECTION 26. IC 4-31-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) A person holding a permit to conduct a horse racing meeting or a license to operate a satellite facility may provide a place in the racing meeting grounds or enclosure or the satellite facility at which the person may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the horse races conducted or simulcast by the person. The person may not permit or use:

- (1) another place other than that provided and designated by the person; or
- (2) another method or system of betting or wagering.

**However, a person holding a permit to conduct a horse racing meeting may permit wagering on pari-mutuel pull tabs at the person's racetrack or satellite facility as permitted by IC 4-31-7.5.**

(b) Except as provided in section 7 of this chapter and IC 4-31-5.5, the pari-mutuel system of wagering may not be conducted on any races except the races at the racetrack, grounds, or enclosure for which the person holds a permit.

SECTION 27. IC 4-31-7-2 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) A person less  
2 than eighteen (18) years of age may not wager at a horse racing  
3 meeting.

4 (b) A person less than ~~seventeen (17)~~ **eighteen (18)** years of age  
5 may not enter the grandstand, clubhouse, or similar areas of a racetrack  
6 at which wagering is permitted unless accompanied by a person who  
7 is at least twenty-one (21) years of age.

8 (c) A person less than eighteen (18) years of age may not enter a  
9 satellite facility.

10 (d) **A person less than twenty-one (21) years of age may not**  
11 **enter the part of a satellite facility or racetrack in which**  
12 **pari-mutuel pull tabs are sold and redeemed.**

13 SECTION 28. IC 4-31-7.5 IS ADDED TO THE INDIANA CODE  
14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2002]:

16 **Chapter 7.5. Pari-Mutuel Pull Tabs**

17 **Sec. 1. (a) This chapter applies only to the sale of pari-mutuel**  
18 **pull tabs by a person that holds a permit to conduct a pari-mutuel**  
19 **horse racing meeting issued under IC 4-31-5.**

20 (b) **This chapter does not apply to the sale of pull tabs by a**  
21 **qualified organization (as defined in IC 4-32-6-20) under IC 4-32.**

22 **Sec. 2. A pari-mutuel pull tab game must be conducted in the**  
23 **following manner:**

24 (1) **Each set of tickets must have a predetermined:**

25 (A) **total purchase price; and**

26 (B) **amount of prizes.**

27 (2) **Randomly ordered pari-mutuel pull tab tickets may be**  
28 **distributed from an approved location or from a distribution**  
29 **device to:**

30 (A) **the permit holder at the permit holder's racetrack or**  
31 **satellite facility, or both; or**

32 (B) **a terminal or device of the permit holder at the permit**  
33 **holder's racetrack or satellite facility, or both.**

34 (3) **A pari-mutuel pull tab ticket must be presented to a player**  
35 **in the form of a paper ticket or display on a terminal or**  
36 **device.**

37 (4) **Game results must be initially covered or otherwise**  
38 **concealed from view on the pari-mutuel pull tab ticket,**  
39 **terminal, or device so that the number, letter, symbol, or set**  
40 **of numbers, letters, or symbols cannot be seen until the**  
41 **concealing medium is removed.**

42 (5) **A winner is identified after the display of the game results**  
43 **when a player removes the concealing medium of the**  
44 **pari-mutuel pull tab ticket or display on a terminal or device.**

45 (6) **A winner shall receive the prize or prizes posted or**  
46 **displayed for the game from the permit holder.**

47 **Sec. 3. A person less than twenty-one (21) years of age may not**  
48 **purchase a pari-mutuel pull tab ticket.**



1       **Sec. 4. The sale price of a pari-mutuel pull tab ticket may not**  
 2       **exceed ten dollars (\$10).**

3       **Sec. 5. (a) The sale, purchase, and redemption of pari-mutuel**  
 4       **pull tab tickets are limited to the following locations:**

5           (1) A live pari-mutuel horse racing facility operated by a  
 6           permit holder under a recognized meeting permit in a county  
 7           having a population of more than forty-three thousand  
 8           (43,000) but less than forty-five thousand (45,000).

9           (2) A satellite facility that is located in a county containing a  
 10          consolidated city and operated by a permit holder described  
 11          in subdivision (1).

12          (3) A live pari-mutuel horse racing facility operated by a  
 13          permit holder under a recognized meeting permit in a county  
 14          having a population of more than one hundred thirty  
 15          thousand (130,000) but less than one hundred forty-five  
 16          thousand (145,000).

17          (4) A satellite facility that is located in a county containing a  
 18          consolidated city and operated by a permit holder described  
 19          in subdivision (3).

20       (b) A permit holder may not install more than:

21           (1) seven hundred (700) pull tab terminals or devices on the  
 22           premises of the permit holder's live pari-mutuel horse racing  
 23           facility; and

24           (2) seven hundred (700) pull tab terminals or devices on the  
 25           premises of the permit holder's satellite facility located in a  
 26           county containing a consolidated city.

27       (c) Notwithstanding IC 4-31-5.5-3, the Indiana horse racing  
 28       commission may issue the satellite facility license described in  
 29       subsection (a)(2) before a permit holder described in subsection  
 30       (a)(1) commences an initial racing meeting.

31       (d) If:

32           (1) the Indiana horse racing commission issues the satellite  
 33           facility license described in subsection (a)(2) before the permit  
 34           holder described in subsection (a)(1) commences the initial  
 35           racing meeting; and

36           (2) the initial racing meeting is commenced more than one (1)  
 37           year after the date on which the satellite facility begins  
 38           operation under the satellite facility license;

39       the satellite facility's business operations shall be suspended until  
 40       the commencement of the initial racing meeting.

41       **Sec. 6. The number and amount of the prizes in a pari-mutuel**  
 42       **pull tab game must be finite but may not be limited.**

43       **Sec. 7. A list of prizes for winning pari-mutuel pull tab tickets**  
 44       **must be posted or displayed at a location where the tickets are sold.**

45       **Sec. 8. A permit holder may close a pari-mutuel pull tab game**  
 46       **at any time.**

47       **Sec. 9. A terminal or device selling pari-mutuel pull tab tickets**  
 48       **may be operated by a player without the assistance of the permit**

holder for the sale and redemption of pari-mutuel pull tab tickets.

**Sec. 10.** A terminal or device selling pari-mutuel pull tab tickets may not dispense coins or currency as prizes for winning tickets. Prizes awarded by a terminal or device must be in the form of credits for additional play or certificates redeemable for cash or prizes.

**Sec. 11. (a)** The Indiana gaming commission shall adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this chapter, including rules that prescribe:

(1) an approval process for pari-mutuel pull tab games that requires periodic testing of the games and equipment by an independent entity under the oversight of the commission to ensure the integrity of the games to the public;

(2) a system of internal audit controls;

(3) a method of payment for pari-mutuel pull tab prizes that allows a player to transfer credits from one (1) terminal or device to another;

(4) a method of payment for pari-mutuel pull tab prizes that allows a player to redeem a winning ticket for additional play tickets or credit to permit purchase of additional play tickets;

(5) requirements for a license to sell pari-mutuel pull tabs that a permit holder must obtain from the commission before selling pari-mutuel pull tabs; and

(6) any other procedure or requirement necessary for the efficient and economical operation of the pari-mutuel pull tab games and the convenience of the public.

**(b)** The Indiana gaming commission may enter into a contract with the Indiana horse racing commission for the provision of services necessary to administer pari-mutuel pull tab games.

**Sec. 12. (a)** The Indiana gaming commission may issue a license to a permit holder to sell pari-mutuel pull tabs under this chapter at the locations described in section 5 of this chapter.

**(b)** Before issuing a license to a permit holder under this section, the Indiana gaming commission shall subject the permit holder to a background investigation similar to a background investigation required of an applicant for a riverboat owner's license under IC 4-33-6.

**(c)** An initial pari-mutuel pull tab license expires five (5) years after the effective date of the license.

**(d)** Unless the pari-mutuel pull tab license is terminated, expires, or is revoked, the pari-mutuel pull tab license may be renewed annually upon:

(1) the payment of an annual renewal fee determined by the Indiana gaming commission; and

(2) a determination by the Indiana gaming commission that the licensee satisfies the conditions of this chapter.

**(e)** A permit holder holding a pari-mutuel pull tab license shall undergo a complete investigation every three (3) years to

determine that the permit holder remains in compliance with this article.

(f) Notwithstanding subsection (e), the Indiana gaming commission may investigate a permit holder at any time the commission determines it is necessary to ensure that the licensee remains in compliance with this article.

(g) The permit holder shall bear the cost of an investigation or a reinvestigation of the permit holder and any investigation resulting from a potential transfer of ownership.

**Sec. 13.** The Indiana gaming commission may assess an administrative fee to a permit holder offering pari-mutuel pull tab games in an amount that allows the commission to recover all of the commission's costs of administering the pari-mutuel pull tab games.

**Sec. 14.** The Indiana gaming commission may not permit the sale of pari-mutuel pull tab tickets in a county where a riverboat is docked.

**Sec. 15.** All shipments of gambling devices, including pari-mutuel pull tab machines, to permit holders in Indiana, the registering, recording, and labeling of which have been completed by the manufacturer or dealer in accordance with 15 U.S.C. 1171 through 15 U.S.C. 1178, are legal shipments of gambling devices into Indiana.

**Sec. 16.** Under 15 U.S.C. 1172, approved January 2, 1951, the state of Indiana, acting by and through elected and qualified members of the legislature, declares and proclaims that the state is exempt from 15 U.S.C. 1172.

**Sec. 17.** The Indiana gaming commission shall regulate and administer the sale, purchase, and redemption of pari-mutuel pull tab tickets under this chapter.

SECTION 29. IC 4-31-7.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

**Chapter 7.6. Taxation of Pari-Mutuel Pull Tabs and Fees**

**Sec. 1.** (a) This chapter applies only to the lawful sale of pari-mutuel pull tabs by a person that:

(1) holds a permit to conduct a pari-mutuel horse racing meeting issued under IC 4-31-5; and

(2) is authorized to sell pari-mutuel pull tabs under IC 4-31-7.5.

(b) This chapter does not apply to the sale of pull tabs by a qualified organization (as defined in IC 4-32-6-20) under IC 4-32.

(c) This chapter may not itself be construed to authorize the sale of pari-mutuel pull tabs.

**Sec. 2.** As used in this chapter, "adjusted gross receipts" means:

(1) the total of all cash and property (including checks received by a permit holder, whether collected or not) received by a permit holder from pari-mutuel pull tab sales;

1 minus

2 (2) the total of:

3 (A) all cash paid out to patrons as winnings for  
4 pari-mutuel pull tabs; and

5 (B) uncollectible pari-mutuel pull tab receivables, not to  
6 exceed the lesser of:

7 (i) a reasonable provision for uncollectible patron checks  
8 received from pari-mutuel pull tab sales; or

9 (ii) two percent (2%) of the total of all sums, including  
10 checks, whether collected or not, less the amount paid  
11 out to patrons as winnings for pari-mutuel pull tabs.

12 For purposes of this section, a counter or personal check that is  
13 invalid or unenforceable under this article is considered cash  
14 received by the permit holder from pari-mutuel pull tab sales.

15 Sec. 2.5. As used in this chapter, "county resident student"  
16 means a student enrolled in a school corporation who resides in a  
17 county having a population of more than one hundred thirty  
18 thousand (130,000) but less than one hundred forty-five thousand  
19 (145,000).

20 Sec. 3. (a) A tax is imposed on the adjusted gross receipts  
21 received from the sale of pari-mutuel pull tabs authorized under  
22 this article at the rate of:

23 (1) thirty-two and five-tenths percent (32.5%) of the first one  
24 hundred fifty million dollars (\$150,000,000) of the adjusted  
25 gross receipts received during the period beginning July 1 of  
26 each year and ending June 30 of the following year; and

27 (2) thirty-seven and five-tenths percent (37.5%) of the  
28 adjusted gross receipts exceeding one hundred fifty million  
29 dollars (\$150,000,000) received during the period beginning  
30 July 1 of each year and ending June 30 of the following year.

31 For purposes of calculating the amount of taxes imposed under this  
32 section each day, a permit holder shall combine the permit holder's  
33 adjusted gross receipts received from the sale pari-mutuel of pull  
34 tabs at the permit holder's racetrack and the permit holder's  
35 satellite facility located in a county containing a consolidated city.

36 (b) The permit holder shall remit the tax imposed by this section  
37 to the department before the close of the business day following the  
38 day the pari-mutuel pull tabs are sold.

39 (c) The department may require payment under this section to  
40 be made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).

41 (d) If the department requires taxes to be remitted under this  
42 chapter through electronic funds transfer, the department may  
43 allow the permit holder to file a monthly report to reconcile the  
44 amounts remitted to the department.

45 (e) The department may allow taxes remitted under this section  
46 to be reported on the same form used for taxes paid under  
47 IC 4-31-9.

48 Sec. 4. (a) The state pull tab wagering fund is established.

1 Money in the fund does not revert to the state general fund at the  
2 end of a state fiscal year.

3 (b) The department shall deposit tax revenue collected under  
4 section 3 of this chapter in the state pull tab wagering fund.

5 (c) Each month, the treasurer of state shall distribute the tax  
6 revenue deposited in the state pull tab wagering fund under this  
7 section as follows:

8 (1) Thirty percent (30%) of the tax revenue remitted by each  
9 permit holder shall be paid as follows:

10 (A) In the case of a racetrack that is located in a county  
11 having a population of more than one hundred thirty  
12 thousand (130,000) but less than one hundred forty-five  
13 thousand (145,000), the amount determined under  
14 subsection (d) shall be paid as follows:

15 (i) Fifty-eight percent (58%) to a city having a  
16 population of more than fifty-nine thousand seven  
17 hundred (59,700) but less than sixty-five thousand  
18 (65,000).

19 (ii) Seventeen percent (17%) to the capital projects fund  
20 of the county for distribution by the county legislative  
21 body.

22 (iii) Seventeen percent (17%) to the school corporations  
23 located in the county. The tax revenue distributed under  
24 this item must be divided among the school corporations  
25 on a pro rata basis according to the ratio the number of  
26 county resident students enrolled in each school  
27 corporation bears to the total number of county resident  
28 students enrolled in the school corporations located in  
29 the county. Revenue received by a school corporation  
30 under this item is considered miscellaneous revenue.

31 (iv) Eight percent (8%) to the incorporated cities and  
32 towns located in the county other than a city described in  
33 item (i). The tax revenue distributed under this item  
34 must be divided among the cities and towns on a pro rata  
35 basis according to the ratio the population of each city or  
36 town bears to the total population of the county minus  
37 the population of a city described in item (i).

38 (B) In the case of a racetrack that is located in a county  
39 having a population of more than forty-three thousand  
40 (43,000) but less than forty-five thousand (45,000), the  
41 amount determined under subsection (e) shall be paid to  
42 the county. However, if a city having a population of more  
43 than seventeen thousand nine hundred (17,900) but less  
44 than eighteen thousand one hundred (18,100) that is  
45 located in the county annexes the territory in which the  
46 racetrack is located, the amount determined under  
47 subsection (e) shall be paid in equal amounts to:

48 (i) the county; and

- 1 (ii) the annexing city.
- 2 (C) In the case of the satellite facilities located in a county
- 3 containing a consolidated city, the amount determined
- 4 under subsection (f) shall be paid as follows:
- 5 (i) Forty-one and seven-tenths percent (41.7%) to the
- 6 consolidated city.
- 7 (ii) Twenty and eight-tenths percent (20.8%) to the
- 8 housing trust fund established under
- 9 IC 36-7-15.1-35.5(e).
- 10 (iii) Twelve and five-tenths percent (12.5%) to the
- 11 county.
- 12 (iv) Twenty-five percent (25%) to the school
- 13 corporations located in the county containing a
- 14 consolidated city. The tax revenue distributed under this
- 15 item must be divided among the school corporations on
- 16 a pro rata basis according to each school corporation's
- 17 ADM (as defined in IC 21-3-1.6-1.1).
- 18 (2) After the distributions required under subdivision (1) are
- 19 made, the next twenty-six million dollars (\$26,000,000) of tax
- 20 revenue shall be paid to the commission to be distributed as
- 21 follows:
- 22 (A) Three percent (3%) is to be distributed in equal
- 23 amounts for the support and operation of the following
- 24 horsemen's associations (as defined in IC 4-31-8-6):
- 25 (i) The horsemen's associations representing the
- 26 standardbred owners and trainers.
- 27 (ii) The horsemen's associations representing the
- 28 thoroughbred owners and trainers.
- 29 (iii) The horsemen's associations representing the
- 30 quarterhorse owners and trainers.
- 31 (B) The remainder is to be distributed, in amounts
- 32 determined by the commission, for the promotion and
- 33 operation of horse racing, as follows:
- 34 (i) To a breed development fund established by the
- 35 commission under IC 4-31-11-10.
- 36 (ii) To each racetrack that has been approved by the
- 37 commission under this article. The commission may
- 38 make a grant under this item only for purses,
- 39 promotions, and routine operations.
- 40 (iii) To county fairs, 4-H fairs, a fair located in a town
- 41 having a population of more than one thousand one
- 42 hundred (1,100) located in a county having a population
- 43 of more than thirty-six thousand seventy-five (36,075)
- 44 but less than thirty-seven thousand (37,000), and a
- 45 trotting association located in a county having a
- 46 population of more than twenty-one thousand eight
- 47 hundred (21,800) but less than twenty-two thousand one
- 48 hundred (22,100). Distributions made under this item

1                   shall be used for the maintenance and operation of horse  
2                   racing facilities.

3                   (3) After the distributions required under subdivisions (1) and  
4                   (2) are made, the remainder of tax revenue remitted by each  
5                   permit holder shall be paid to the state general fund.

6                   (d) This subsection applies to tax revenues received from a  
7                   racetrack located in a county having a population of more than one  
8                   hundred thirty thousand (130,000) but less than one hundred  
9                   forty-five thousand (145,000). The amount of tax revenues to be  
10                  distributed under subsection (c)(1)(A) is determined under STEP  
11                  FIVE of the following formula:

12                 STEP ONE: Determine the total amount of tax revenue  
13                 remitted by the permit holder in the preceding month.

14                 STEP TWO: Determine the amount of tax revenue remitted  
15                 by the permit holder in the preceding month attributable to  
16                 adjusted gross receipts received from the racetrack.

17                 STEP THREE: Determine the ratio of the STEP TWO  
18                 amount to the STEP ONE amount.

19                 STEP FOUR: Multiply the STEP ONE amount by thirty  
20                 percent (30%).

21                 STEP FIVE: Multiply the STEP FOUR result by the ratio  
22                 determined under STEP THREE.

23                 (e) This subsection applies to tax revenues received from a  
24                 racetrack located in a county having a population of more than  
25                 forty-three thousand (43,000) but less than forty-five thousand  
26                 (45,000). The amount of tax revenues to be distributed under  
27                 subsection (c)(1)(B) is determined under STEP FIVE of the  
28                 following formula:

29                 STEP ONE: Determine the total amount of tax revenue  
30                 remitted by the permit holder in the preceding month.

31                 STEP TWO: Determine the amount of tax revenue remitted  
32                 by the permit holder in the preceding month attributable to  
33                 adjusted gross receipts received from the racetrack.

34                 STEP THREE: Determine the ratio of the STEP TWO  
35                 amount to the STEP ONE amount.

36                 STEP FOUR: Multiply the STEP ONE amount by thirty  
37                 percent (30%).

38                 STEP FIVE: Multiply the STEP FOUR result by the ratio  
39                 determined under STEP THREE.

40                 (f) This subsection applies to tax revenues received from both  
41                 satellite facilities located in a county containing a consolidated city.  
42                 The amount of the tax revenues distributed under subsection  
43                 (c)(1)(C) is determined under STEP SIX of the following formula:

44                 STEP ONE: Determine the sum of the subsection (d) STEP  
45                 ONE amount and the subsection (e) STEP ONE amount.

46                 STEP TWO: Determine the sum of the subsection (d) STEP  
47                 TWO amount and the subsection (e) STEP TWO amount.

48                 STEP THREE: Determine the remainder of the sum

determined under STEP ONE minus the sum determined under STEP TWO.

**STEP FOUR:** Determine the ratio of the amount determined under STEP THREE to the sum determined under STEP ONE.

**STEP FIVE:** Multiply the sum determined under STEP ONE by thirty percent (30%).

**STEP SIX:** Multiply the STEP FIVE result by the ratio determined under STEP FOUR.

**Sec. 5. (a)** As used in this section, "net receipts" means a permit holder's adjusted gross receipts, minus any taxes paid under section 3 of this chapter.

**(b)** Beginning January 1 following the second anniversary of the date that the sale of pari-mutuel pull tab tickets begins at a location described in this chapter and every year thereafter, the permit holder shall pay the percentage of the permit holder's net receipts set forth in subsection (c) to the commission for purse money and breed development.

**(c)** Beginning January 1 of the following years of operation, the purse money and breed development fee is equal to the following percentages of the permit holder's net receipts:

<b>Year 3</b>	<b>2%</b>
<b>Year 4</b>	<b>2%</b>
<b>Year 5</b>	<b>5%</b>
<b>Year 6</b>	<b>7%</b>
<b>Year 7</b>	<b>8%</b>
<b>Year 8</b>	<b>9%</b>
<b>Year 9</b>	<b>10%</b>
<b>Year 10 and each year thereafter</b>	<b>12%</b>

**(d)** The commission shall allocate money received under this section to purses and breed development.

**Sec. 6. (a)** The commission shall annually impose a supplemental fee of two hundred fifty thousand dollars (\$250,000) upon each permit holder operating a racetrack under this article.

**(b)** Fifty percent (50%) of the annual fees collected under this section must be used for training facilities and capital improvements, including stall improvements.

**(c)** Fifty percent (50%) of the annual fees collected under this section must be used to promote live racing at county and 4-H fairgrounds.

**Sec. 7.** This chapter does not prohibit a city or county in which pari-mutuel pull tabs are offered for sale under IC 4-31-7.5 from entering into agreements with other units of local government in Indiana or in other states to share the city's or county's part of the tax revenue received under this chapter.

**SECTION 30.** IC 4-31-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. A person that holds



a permit to conduct a horse racing meeting or a license to operate a satellite facility shall withhold:

- (1) eighteen percent (18%) of the total of money wagered on each day at the racetrack or satellite facility (including money wagered on exotic wagering pools **but excluding money wagered on pari-mutuel pull tabs under IC 4-31-7.5**); plus
- (2) an additional three and one-half percent (3.5%) of the total of all money wagered on exotic wagering pools on each day at the racetrack or satellite facility.

SECTION 31. IC 4-31-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. Each development fund consists of:

- (1) breakage and outs paid into the fund under IC 4-31-9-10;
- (2) appropriations by the general assembly;
- (3) gifts;
- (4) stakes payments;
- (5) entry fees; and
- (6) money paid into the fund under ~~IC 4-33-12-6~~ **IC 4-33-13-5(a)(2)(A)**.

SECTION 32. IC 4-32-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. An excise tax is imposed on the distribution of pull tabs (**excluding pari-mutuel pull tabs under IC 4-31-7.5**), punchboards, and tip boards in the amount of ten percent (10%) of the wholesale price for the pull tabs, punchboards, and tip boards.

SECTION 33. IC 4-33-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This article applies only to the following:

- (1) Counties contiguous to Lake Michigan.
- (2) Counties contiguous to the Ohio River.
- (3) ~~Counties contiguous to Patoka Lake~~ **A historic district that:**
  - (A) is established under IC 36-7-11;**
  - (B) is located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000); and**
  - (C) consists solely of the real property owned by the historic resort hotels located in:**
    - (i) a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200); and**
    - (ii) a town having a population of less than one thousand five hundred (1,500).**

SECTION 34. IC 4-33-2-5.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. "Cruise" means to depart from the dock while gambling is being conducted.

SECTION 35. IC 4-33-2-7 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. "Dock" means  
 2 the location where ~~an excursion~~ a riverboat moors for the purpose of  
 3 embarking passengers for and disembarking passengers from a  
 4 ~~gambling excursion~~ **the riverboat.**

5 SECTION 36. IC 4-33-2-11.5 IS ADDED TO THE INDIANA  
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7 [EFFECTIVE UPON PASSAGE]: Sec. 11.5. **"Historic resort hotel"**  
 8 **means a structure originally built as a hotel that contained at least**  
 9 **three hundred (300) sleeping rooms on or before January 1, 1930.**

10 SECTION 37. IC 4-33-2-13.5 IS ADDED TO THE INDIANA  
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 12 [EFFECTIVE UPON PASSAGE]: Sec. 13.5. **"Licensed operating**  
 13 **agent" means a person licensed under IC 4-33-6.5 to operate a**  
 14 **riverboat in a historic district described in IC 4-33-1-1(3) on behalf**  
 15 **of the district's historic preservation commission.**

16 SECTION 38. IC 4-33-2-14.5 IS ADDED TO THE INDIANA  
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 18 [EFFECTIVE UPON PASSAGE]: Sec. 14.5. **"Operating agent's**  
 19 **license" means a license issued under IC 4-33-6.5 that allows a**  
 20 **person to operate a riverboat in a historic district described in**  
 21 **IC 4-33-1-1(3) on behalf of the district's historic preservation**  
 22 **commission.**

23 SECTION 39. IC 4-33-2-15.5 IS ADDED TO THE INDIANA  
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 25 [EFFECTIVE UPON PASSAGE]: Sec. 15.5. **"Patron" means an**  
 26 **individual who:**

- 27 (1) boards a riverboat; and
- 28 (2) is not entitled to receive a tax free pass.

29 SECTION 40. IC 4-33-2-15.7 IS ADDED TO THE INDIANA  
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 31 [EFFECTIVE UPON PASSAGE]: Sec. 15.7. **"Permanently moored**  
 32 **vessel" means a vessel that is either:**

- 33 (1) a vessel that has previously been issued a United States
- 34 Coast Guard certificate of inspection and has been removed
- 35 from navigation; or
- 36 (2) a vessel located in a historic district described in
- 37 IC 4-33-1-1(3) on which lawful gambling is authorized and
- 38 licensed under this article.

39 **The term does not include a barge.**

40 SECTION 41. IC 4-33-2-16 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. "Person" means  
 42 an individual, a sole proprietorship, a partnership, an association, a  
 43 fiduciary, a corporation, a limited liability company, **a historic district,**  
 44 or any other business entity.

45 SECTION 42. IC 4-33-2-16.3 IS ADDED TO THE INDIANA  
 46 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 47 [EFFECTIVE JULY 1, 2002]: Sec. 16.3. **"Pari-mutuel pull tab" has**

1 **the meaning set forth in IC 4-31-2-11.5.**

2 SECTION 43. IC 4-33-2-17 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. "Riverboat"  
4 means **either of the following on which lawful gambling is**  
5 **authorized under this article:**

6 (1) A self-propelled ~~excursion~~ boat located in a county described  
7 in ~~IC 4-33-1-1 on which lawful gambling is authorized and~~  
8 ~~licensed under this article.~~ **IC 4-33-1-1(1) or IC 4-33-1-1(2) that**  
9 **complies with IC 4-33-6-6(a).**

10 (2) **A permanently moored vessel.**

11 SECTION 44. IC 4-33-3-7 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. Each member of the  
13 commission is entitled to receive the following:

14 (1) Salary per diem ~~as provided in IC 4-10-11-2.1(b);~~ **of one**  
15 **hundred dollars (\$100)** for each day the member does any of the  
16 following:

17 (A) Attends a meeting of the commission.

18 (B) Conducts a hearing under this article.

19 (2) Reimbursement for traveling expenses and other expenses  
20 actually incurred in connection with the member's duties, as  
21 provided in the state travel policies and procedures established by  
22 the department of administration and approved by the budget  
23 agency.

24 SECTION 45. IC 4-33-4-2 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The commission  
26 shall adopt rules under IC 4-22-2 for the following purposes:

27 (1) Administering this article.

28 (2) Establishing the conditions under which riverboat gambling  
29 in Indiana may be conducted.

30 (3) Providing for the prevention of practices detrimental to the  
31 public interest and providing for the best interests of riverboat  
32 gambling.

33 ~~(4) With respect to riverboats that operate on Patoka Lake,~~  
34 ~~ensuring:~~

35 ~~(A) the prevention of practices detrimental to the natural~~  
36 ~~environment and scenic beauty of Patoka Lake; and~~

37 ~~(B) compliance by licensees and riverboat patrons with the~~  
38 ~~requirements of IC 14-26-2-5 and IC 14-28-1.~~

39 ~~(5)~~ (4) Establishing rules concerning inspection of riverboats and  
40 the review of the permits or licenses necessary to operate a  
41 riverboat.

42 ~~(6)~~ (5) Imposing penalties for noncriminal violations of this  
43 article.

44 (6) **Establishing ethical standards regulating the conduct of**  
45 **members of a historic preservation commission established**  
46 **under IC 36-7-11-4.5 with regard to the selection and**  
47 **licensure of an operating agent to operate a riverboat in a**

1 **historic district described in IC 4-33-1-1(3).**

2 **(7) Establishing the conditions under which the sale, purchase,**  
 3 **and redemption of pari-mutuel pull tabs may be conducted**  
 4 **under IC 4-31-7.5.**

5 SECTION 46. IC 4-33-4-3, AS AMENDED BY P.L.14-2000,  
 6 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 UPON PASSAGE]: Sec. 3. (a) The commission shall do the following:

8 (1) Adopt rules that the commission determines necessary to  
 9 protect or enhance the following:

10 (A) The credibility and integrity of gambling operations  
 11 authorized by this article.

12 (B) The regulatory process provided in this article.

13 ~~(C) The natural environment and scenic beauty of Patoka~~  
 14 ~~Lake.~~

15 (2) Conduct all hearings concerning civil violations of this article.

16 (3) Provide for the establishment and collection of license fees  
 17 and taxes imposed under this article.

18 (4) Deposit the license fees and taxes in the state gaming fund  
 19 established by IC 4-33-13.

20 (5) Levy and collect penalties for noncriminal violations of this  
 21 article.

22 (6) Deposit the penalties in the state gaming fund established by  
 23 IC 4-33-13.

24 (7) Be present through the commission's inspectors and agents  
 25 during the time gambling operations are conducted on a riverboat  
 26 to do the following:

27 (A) Certify the revenue received by a riverboat.

28 (B) Receive complaints from the public.

29 (C) Conduct other investigations into the conduct of the  
 30 gambling games and the maintenance of the equipment that  
 31 the commission considers necessary and proper.

32 ~~(D) With respect to riverboats that operate on Patoka Lake,~~  
 33 ~~ensure compliance with the following:~~

34 ~~(i) IC 14-26-2-6.~~

35 ~~(ii) IC 14-26-2-7.~~

36 ~~(iii) IC 14-28-1.~~

37 (8) Adopt emergency rules under IC 4-22-2-37.1 if the  
 38 commission determines that:

39 (A) the need for a rule is so immediate and substantial that  
 40 rulemaking procedures under IC 4-22-2-13 through  
 41 IC 4-22-2-36 are inadequate to address the need; and

42 (B) an emergency rule is likely to address the need.

43 (b) The commission shall begin rulemaking procedures under  
 44 IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted  
 45 under subsection (a)(8) not later than thirty (30) days after the adoption  
 46 of the emergency rule under subsection (a)(8).

47 SECTION 47. IC 4-33-4-10 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **If a riverboat**  
 2 **cruises**, the commission shall authorize the route of ~~a the~~ riverboat and  
 3 the stops, if any, that the riverboat may make **while on a cruise**.

4 SECTION 48. IC 4-33-4-13 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) **This**  
 6 **section does not apply to a riverboat located in a county having a**  
 7 **population of more than nineteen thousand three hundred (19,300)**  
 8 **but less than twenty thousand (20,000).**

9 (b) After consulting with the United States Army Corps of  
 10 Engineers, the commission may do the following:

11 (1) Determine the waterways that are navigable waterways for  
 12 purposes of this article.

13 (2) Determine the navigable waterways that are suitable for the  
 14 operation of riverboats under this article.

15 ~~(b)~~ (c) In determining the navigable waterways on which riverboats  
 16 may operate, the commission shall do the following:

17 (1) Obtain any required approvals from the United States Army  
 18 Corps of Engineers for the operation of riverboats on those  
 19 waterways.

20 (2) Consider the economic benefit that riverboat gambling  
 21 provides to Indiana.

22 (3) Seek to ensure that all regions of Indiana share in the  
 23 economic benefits of riverboat gambling.

24 ~~(4) Considering IC 14-26-2-6, IC 14-26-2-7, and IC 14-28-1,~~  
 25 ~~conduct a feasibility study concerning:~~

26 ~~(A) the environmental impact of the navigation and docking of~~  
 27 ~~riverboats upon Patoka Lake; and~~

28 ~~(B) the impact of the navigation and docking of riverboats~~  
 29 ~~upon the scenic beauty of Patoka Lake.~~

30 SECTION 49. IC 4-33-4-15 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The  
 32 commission shall annually do the following:

33 (1) Review the patterns of wagering and wins and losses by  
 34 persons on riverboat gambling operations under this article.

35 (2) Make recommendations to the governor and the general  
 36 assembly concerning whether limits on wagering losses should be  
 37 imposed.

38 ~~(3) Examine the impact on the natural environment and scenic~~  
 39 ~~beauty of Patoka Lake made by the navigation and docking of~~  
 40 ~~riverboats.~~

41 SECTION 50. IC 4-33-4-21.2, AS AMENDED BY P.L.215-2001,  
 42 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 43 UPON PASSAGE]: Sec. 21.2. (a) The Indiana gaming commission  
 44 shall require a licensed owner to conspicuously display the number of  
 45 the toll free telephone line described in ~~IC 4-33-12-6~~ **IC 4-33-13-5(d)**  
 46 in the following locations:

47 (1) On each admission ticket to a riverboat ~~gambling excursion~~:

1 **if tickets are issued.**

2 (2) On a poster or placard that is on display in a public area of  
3 each riverboat where gambling games are conducted.

4 (b) The toll free telephone line described in ~~IC 4-33-12-6~~  
5 **IC 4-33-13-5(d)** must be:

6 (1) maintained by the division of mental health and addiction  
7 under IC 12-23-1-6; and

8 (2) funded by the addiction services fund established by  
9 IC 12-23-2-2.

10 (c) The commission may adopt rules under IC 4-22-2 necessary to  
11 carry out this section.

12 SECTION 51. IC 4-33-6-1 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The  
14 commission may issue to a person a license to own ~~one (1)~~ a riverboat  
15 subject to the numerical and geographical limitation of owner's licenses  
16 under this section, **section 3.5 of this chapter**, and IC 4-33-4-17.  
17 However, not more than eleven (11) owner's licenses may be in effect  
18 at any time. Except as provided in subsection (b), those eleven (11)  
19 licenses are as follows:

20 (1) Two (2) licenses for a riverboat that operates from the largest  
21 city located in the counties described under IC 4-33-1-1(1).

22 (2) One (1) license for a riverboat that operates from the second  
23 largest city located in the counties described under  
24 IC 4-33-1-1(1).

25 (3) One (1) license for a riverboat that operates from the third  
26 largest city located in the counties described under  
27 IC 4-33-1-1(1).

28 (4) One (1) license for a city located in the counties described  
29 under IC 4-33-1-1(1). This license may not be issued to a city  
30 described in subdivisions (1) through (3).

31 (5) A total of five (5) licenses for riverboats that operate upon the  
32 Ohio River from counties described under IC 4-33-1-1(2). The  
33 commission may not issue a license to an applicant if the issuance  
34 of the license would result in more than one (1) riverboat  
35 operating from a county described in IC 4-33-1-1(2).

36 (6) One (1) license for a riverboat that operates ~~upon Patoka Lake~~  
37 **from a county in a historic district** described under  
38 IC 4-33-1-1(3).

39 (b) If a city described in subsection (a)(2) or (a)(3) conducts two (2)  
40 elections under section 20 of this chapter and the voters of the city do  
41 not vote in favor of permitting riverboat gambling at either of those  
42 elections, the license assigned to that city under subsection (a)(2) or  
43 (a)(3) may be issued to any city that:

44 (1) does not already have a riverboat operating from the city; and

45 (2) is located in a county described in IC 4-33-1-1(1).

46 SECTION 52. IC 4-33-6-2 IS AMENDED TO READ AS  
47 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A person

1 applying for an owner's license under this chapter must pay a  
 2 nonrefundable application fee to the commission. The commission  
 3 shall determine the amount of the application fee. **However, the**  
 4 **historic district described in IC 4-33-1-1(3) or a member of the**  
 5 **district's historic preservation commission is not required to pay**  
 6 **the fee charged under this subsection.**

7 (b) An applicant must submit the following on forms provided by  
 8 the commission:

9 (1) If the applicant is an individual, two (2) sets of the individual's  
 10 fingerprints.

11 (2) If the applicant is not an individual, two (2) sets of fingerprints  
 12 for each officer and director of the applicant.

13 (c) The commission shall review the applications for an owner's  
 14 license under this chapter and shall inform each applicant of the  
 15 commission's decision concerning the issuance of the owner's license.

16 (d) The costs of investigating an applicant for an owner's license  
 17 under this chapter shall be paid from the application fee paid by the  
 18 applicant.

19 (e) An applicant for an owner's license under this chapter must pay  
 20 all additional costs that are:

21 (1) associated with the investigation of the applicant; and

22 (2) greater than the amount of the application fee paid by the  
 23 applicant.

24 **(f) The commission shall recoup all the costs associated with**  
 25 **investigating or reinvestigating an applicant that is a member of a**  
 26 **historic preservation commission described in subsection (a) by**  
 27 **imposing a special investigation fee upon the historic preservation**  
 28 **commission's licensed operating agent.**

29 SECTION 53. IC 4-33-6-3 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The commission  
 31 may not issue an owner's license under this chapter to a person if:

32 (1) the person has been convicted of a felony under Indiana law,  
 33 the laws of any other state, or laws of the United States;

34 (2) the person has knowingly or intentionally submitted an  
 35 application for a license under this chapter that contains false  
 36 information;

37 (3) the person is a member of the commission;

38 (4) the person is an officer, a director, or a managerial employee  
 39 of a person described in subdivision (1) or (2);

40 (5) the person employs an individual who:

41 (A) is described in subdivision (1), (2), or (3); and

42 (B) participates in the management or operation of gambling  
 43 operations authorized under this article;

44 (6) the person owns an ownership interest of more than ~~ten~~  
 45 ~~percent (10%) in more than one (1) other person holding an~~  
 46 ~~owner's license issued under the total amount of ownership~~  
 47 **interest permitted under section 3.5 of this chapter; or**

(7) a license issued to the person:

(A) under this article; or

(B) to own or operate gambling facilities in another jurisdiction;

has been revoked.

SECTION 54. IC 4-33-6-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) For purposes of this section, a person is considered to have an ownership interest in a riverboat owner's license if the interest is owned directly or indirectly by the person or by an entity controlled by the person.**

**(b) For purposes of this section, a person is considered to have an ownership interest in a riverboat license if the person is under contract to be the licensed operating agent for the riverboat.**

**(c) A person may have up to a one hundred percent (100%) ownership interest in not more than two (2) riverboat licenses issued under this chapter.**

**(d) A person may not have an ownership interest in more than two (2) riverboat owner's licenses issued under this chapter. However, if a person:**

**(1) has an ownership interest in a riverboat owner's license; and**

**(2) owns or manages a pari-mutuel pull tab facility under IC 4-31-7.5;**

**the person may not have an ownership interest in any other riverboat owner's license.**

**(e) This section may not be construed to increase the maximum number of licenses permitted under section 1 of this chapter or the number of riverboats that may be owned and operated under a license under section 10 of this chapter.**

SECTION 55. IC 4-33-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a) This section does not apply to a riverboat located in a historic district described in IC 4-33-1-1(3).**

**(b) In an application for an owner's license, the applicant must state the dock at which the riverboat is based and the navigable waterway on which the riverboat will operate.**

SECTION 56. IC 4-33-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a) Except as provided in subsection (d), a riverboat that operates in a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2) must:**

**(1) have a valid certificate of inspection from the United States Coast Guard for the carrying of at least five hundred (500) passengers; and**

**(2) be at least one hundred fifty (150) feet in length.**

**(b) A riverboat that operates on Patoka Lake in a county described under IC 4-33-1-1(3) must:**

**(1) have the capacity to carry at least five hundred (500)**



1 passengers;

2 (2) be at least one hundred fifty (150) feet in length; and

3 (3) meet safety standards required by the commission.

4 (c) This subsection applies only to a riverboat that operates on the  
5 Ohio River. A riverboat must replicate, as nearly as possible, historic  
6 Indiana steamboat passenger vessels of the nineteenth century.  
7 However, steam propulsion or overnight lodging facilities are not  
8 required under this subsection.

9 **(d) A riverboat may become a permanently moored vessel if,**  
10 **upon application to the commission, the commission determines**  
11 **that it is in the best interests of the state and not detrimental to the**  
12 **riverboat gaming industry. A permanently moored vessel is not**  
13 **required to have a valid certificate of inspection from the United**  
14 **States Coast Guard but must comply with all terms and conditions**  
15 **required by the commission for the safety of the passengers and**  
16 **crew.**

17 SECTION 57. IC 4-33-6-8 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. If the  
19 commission determines that a person is eligible under this chapter for  
20 an owner's license, the commission may issue an owner's license to the  
21 person if:

22 (1) the person pays an initial license fee of twenty-five thousand  
23 dollars (\$25,000); and

24 (2) the person posts a bond as required in section 9 of this  
25 chapter.

26 **However, the historic district described in IC 4-33-1-1(3) or a**  
27 **member of the district's historic preservation commission is not**  
28 **required to pay the fee charged under this section.**

29 SECTION 58. IC 4-33-6-9 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **Except as**  
31 **provided in subsection (l),** a licensed owner must post a bond with the  
32 commission at least sixty (60) days before the commencement of  
33 ~~regular gambling on the riverboat. excursions.~~

34 (b) The bond shall be furnished in:

35 (1) cash or negotiable securities;

36 (2) a surety bond:

37 (A) with a surety company approved by the commission; and

38 (B) guaranteed by a satisfactory guarantor; or

39 (3) an irrevocable letter of credit issued by a banking institution  
40 of Indiana acceptable to the commission.

41 (c) If a bond is furnished in cash or negotiable securities, the  
42 principal shall be placed without restriction at the disposal of the  
43 commission, but income inures to the benefit of the licensee.

44 (d) The bond:

45 (1) is subject to the approval of the commission;

46 (2) must be in an amount that the commission determines will  
47 adequately reflect the amount that a local community will expend

for infrastructure and other facilities associated with a riverboat operation; and

(3) must be payable to the commission as obligee for use in payment of the licensed owner's financial obligations to the local community, the state, and other aggrieved parties, as determined by the rules of the commission.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of a licensed owner's bond is insufficient, the licensed owner shall upon written demand of the commission file a new bond.

(f) The commission may require a licensed owner to file a new bond with a satisfactory surety in the same form and amount if:

(1) liability on the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or

(2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the owner's license. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) A bond is released on the condition that the licensed owner remains at the site for which the owner's license is granted for the lesser of:

(1) five (5) years; or

(2) the date the commission grants a license to another licensed owner to operate from the site for which the bond was posted.

(i) A licensed owner who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit from which the riverboat operated.

(j) The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond and the continuous nature of the bond may in no event be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

(1) the time has run under subsection (h); and

(2) a written request is submitted by the licensed owner.

**(l) The historic district described in IC 4-33-1-1(3) or a member of the district's historic preservation commission is not required to post the bond required under this section.**

SECTION 59. IC 4-33-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) An owner's license issued under this chapter permits the holder to own and operate one (1) riverboat and equipment for each license.

(b) **An owner's license issued under this chapter permits the holder to:**

- (1) **conduct gambling games authorized under this article while the riverboat is cruising or docked;**
- (2) **allow the continuous ingress and egress of passengers for purposes of gambling; and**
- (3) **conduct gambling games authorized under this article on a permanently moored vessel upon the approval of the commission under section 6 of this chapter.**

(c) An owner's license issued under this chapter must specify the place where the riverboat must operate and dock. However, the commission may permit the riverboat to dock at a temporary dock in the applicable city for a specific period of time not to exceed one (1) year after the owner's license is issued.

~~(c)~~ (d) An owner's initial license expires five (5) years after the effective date of the license.

SECTION 60. IC 4-33-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The commission may revoke an owner's license if:

- (1) the licensee begins regular ~~riverboat excursions~~ **operations** more than twelve (12) months after receiving the commission's approval of the application for the license; and
- (2) the commission determines that the revocation of the license is in the best interests of Indiana.

SECTION 61. IC 4-33-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Unless the owner's license is terminated, expires, or is revoked, the owner's license may be renewed annually upon:

- (1) the payment of a five thousand dollar (\$5,000) annual renewal fee; and
- (2) a determination by the commission that the licensee satisfies the conditions of this article.

**However, the historic district described in IC 4-33-1-1(3) or a member of the district's historic preservation commission is not required to pay the fee charged under this section.**

(b) A licensed owner shall undergo a complete investigation every three (3) years to determine that the licensed owner remains in compliance with this article.

(c) Notwithstanding subsection (b), the commission may investigate a licensed owner at any time the commission determines it is necessary to ensure that the licensee remains in compliance with this article.

(d) The licensed owner shall bear the cost of an investigation or reinvestigation of the licensed owner and any investigation resulting from a potential transfer of ownership.

**(e) The commission shall recoup all of the costs associated with investigating or reinvestigating a member of a historic preservation commission described in subsection (a) by imposing**

1 **a special investigation fee upon the historic preservation**  
 2 **commission's licensed operating agent.**

3 SECTION 62. IC 4-33-6-19 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) This section  
 5 applies to:

6 (1) a county contiguous to the Ohio River;

7 ~~(2) a county contiguous to Patoka Lake;~~ and

8 ~~(3)~~ (2) a county contiguous to Lake Michigan that has a  
 9 population of less than four hundred thousand (400,000).

10 (b) Notwithstanding any other provision of this article, the  
 11 commission may not issue a license under this article to allow a  
 12 riverboat to operate in the county unless the voters of the county have  
 13 approved the conducting of gambling games on riverboats in the  
 14 county.

15 (c) If the docking of a riverboat in the county is approved by an  
 16 ordinance adopted under section 18 of this chapter, or if at least the  
 17 number of the registered voters of the county required under IC 3-8-6-3  
 18 for a petition to place a candidate on the ballot sign a petition submitted  
 19 to the circuit court clerk requesting that a local public question  
 20 concerning riverboat gaming be placed on the ballot, the county  
 21 election board shall place the following question on the ballot in the  
 22 county during the next general election:

23 "Shall licenses be issued to permit riverboat gambling in \_\_\_\_  
 24 County?".

25 (d) A public question under this section shall be placed on the ballot  
 26 in accordance with IC 3-10-9 and must be certified in accordance with  
 27 IC 3-10-9-3.

28 (e) The clerk of the circuit court of a county holding an election  
 29 under this chapter shall certify the results determined under  
 30 IC 3-12-4-9 to the commission and the department of state revenue.

31 (f) If a public question under this section is placed on the ballot in  
 32 a county and the voters of the county do not vote in favor of permitting  
 33 riverboat gambling under this article, a second public question under  
 34 this section may not be held in that county for at least two (2) years. If  
 35 the voters of the county vote to reject riverboat gambling a second time,  
 36 a third or subsequent public question under this section may not be  
 37 held in that county until the general election held during the tenth year  
 38 following the year that the previous public question was placed on the  
 39 ballot.

40 SECTION 63. IC 4-33-6-19.5 IS ADDED TO THE INDIANA  
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 42 [EFFECTIVE UPON PASSAGE]: Sec. 19.5. (a) This section applies  
 43 to a county having a population of more than nineteen thousand  
 44 three hundred (19,300) but less than twenty thousand (20,000).

45 (b) The commission may issue only one (1) license under this  
 46 article to allow a riverboat to operate in the county within a  
 47 historic district established under IC 36-7-11.

(c) The commission may not issue a license under this article to allow a riverboat to operate in the county unless the voters of:

(1) a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200) located in the county; and

(2) a town having a population of less than one thousand five hundred (1,500) located in the county;

have approved gambling on riverboats in the county.

(d) If at least the number of registered voters of the town required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the clerk of the circuit court requesting that a local public question concerning riverboat gambling be placed on the ballot, the county election board shall place the following question on the ballot in the town described in subsection (c) during the next primary or general election or a special election held under this section:

"Shall a license be issued to allow riverboat gambling in the town of \_\_\_\_\_?"

(e) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9.

(f) If a public question is placed on the ballot under this section and the voters of the town do not vote in favor of allowing riverboat gambling under IC 4-33, another public question regarding riverboat gambling may not be held in the town for at least two (2) years.

(g) In a special election held under this section:

(1) IC 3 applies, except as otherwise provided in this section; and

(2) at least as many precinct polling places as were used in the towns described in subsection (c) during the most recent municipal election must be used for the special election.

(h) The clerk of the circuit court of a county holding an election under this section shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

SECTION 64. IC 4-33-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

#### **Chapter 6.5. Riverboat Operating Agent's License**

**Sec. 1.** This chapter applies only to a riverboat operated under a license described in IC 4-33-6-1(a)(6).

**Sec. 2. (a)** A person applying for an operating agent's license under this chapter must pay a nonrefundable application fee to the commission. The commission shall determine the amount of the application fee.

**(b)** An applicant must submit the following on forms provided by the commission:

(1) If the applicant is an individual, two (2) sets of the individual's fingerprints.

(2) If the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant.

(c) The commission shall review the applications for a license under this chapter and shall inform each applicant of the commission's decision concerning the issuance of the license.

(d) The costs of investigating an applicant for a license under this chapter shall be paid from the application fee paid by the applicant.

(e) An applicant for a license under this chapter must pay all additional costs that are:

- (1) associated with the investigation of the applicant; and
- (2) greater than the amount of the application fee paid by the applicant.

**Sec. 3.** The commission may not issue an operating agent's license under this chapter to a person if:

- (1) the person has been convicted of a felony under Indiana law, the laws of any other state, or laws of the United States;
  - (2) the person has knowingly or intentionally submitted an application for a license under this chapter that contains false information;
  - (3) the person is a member of the commission;
  - (4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);
  - (5) the person employs an individual who:
    - (A) is described in subdivision (1), (2), or (3); and
    - (B) participates in the management or operation of gambling operations authorized under this article;
  - (6) the person owns an ownership interest of more than the total amount of ownership interests permitted under IC 4-33-6-3.5; or
  - (7) a license issued to the person:
    - (A) under this article; or
    - (B) to own or operate gambling facilities in another jurisdiction;
- has been revoked.

**Sec. 4.** In determining whether to grant an operating agent's license to an applicant, the commission shall consider the following:

- (1) The character, reputation, experience, and financial integrity of the following:
  - (A) The applicant.
  - (B) A person that:
    - (i) directly or indirectly controls the applicant; or
    - (ii) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.
- (2) The facilities or proposed facilities for the conduct of riverboat gambling in a historic district described in

1           **IC 4-33-1-1(3).**

2           **(3) The highest prospective total revenue to be collected by the**  
 3           **state from the conduct of riverboat gambling.**

4           **(4) The good faith affirmative action plan of each applicant to**  
 5           **recruit, train, and upgrade minorities in all employment**  
 6           **classifications.**

7           **(5) The financial ability of the applicant to purchase and**  
 8           **maintain adequate liability and casualty insurance.**

9           **(6) If the applicant has adequate capitalization to operate a**  
 10           **riverboat for the duration of the license.**

11           **(7) The extent to which the applicant exceeds or meets other**  
 12           **standards adopted by the commission.**

13           **Sec. 5. If the commission determines that a person is eligible**  
 14           **under this chapter for an operating agent's license, the commission**  
 15           **may issue an operating agent's license to the person if:**

16           **(1) the person pays an initial license fee of twenty-five**  
 17           **thousand dollars (\$25,000); and**

18           **(2) the person posts a bond as required in section 6 of this**  
 19           **chapter.**

20           **Sec. 6. (a) A licensed operating agent must post a bond with the**  
 21           **commission at least sixty (60) days before the commencement of**  
 22           **regular riverboat operations in the historic district described in**  
 23           **IC 4-33-1-1(3).**

24           **(b) The bond shall be furnished in:**

25           **(1) cash or negotiable securities;**

26           **(2) a surety bond:**

27           **(A) with a surety company approved by the commission;**  
 28           **and**

29           **(B) guaranteed by a satisfactory guarantor; or**

30           **(3) an irrevocable letter of credit issued by a banking**  
 31           **institution of Indiana acceptable to the commission.**

32           **(c) If a bond is furnished in cash or negotiable securities, the**  
 33           **principal shall be placed without restriction at the disposal of the**  
 34           **commission, but income inures to the benefit of the licensee.**

35           **(d) The bond:**

36           **(1) is subject to the approval of the commission; and**

37           **(2) must be payable to the commission as obligee for use in**  
 38           **payment of the riverboat's financial obligations to the local**  
 39           **community, the state, and other aggrieved parties, as**  
 40           **determined by the rules of the commission.**

41           **(e) If after a hearing (after at least five (5) days written notice)**  
 42           **the commission determines that the amount of a licensed operating**  
 43           **agent's bond is insufficient, the operating agent shall, upon written**  
 44           **demand of the commission, file a new bond.**

45           **(f) The commission may require a licensed operating agent to**  
 46           **file a new bond with a satisfactory surety in the same form and**  
 47           **amount if:**

48           **(1) liability on the old bond is discharged or reduced by**

1 judgment rendered, payment made, or otherwise; or

2 (2) in the opinion of the commission any surety on the old  
3 bond becomes unsatisfactory.

4 (g) If a new bond obtained under subsection (e) or (f) is  
5 unsatisfactory, the commission shall cancel the operating agent's  
6 license. If the new bond is satisfactorily furnished, the commission  
7 shall release in writing the surety on the old bond from any liability  
8 accruing after the effective date of the new bond.

9 (h) A bond is released on the condition that the licensed  
10 operating agent remains at the site of the riverboat operating  
11 within a historic district:

12 (1) for five (5) years; or

13 (2) until the date the commission grants a license to another  
14 operating agent to operate from the site for which the bond  
15 was posted;

16 whichever occurs first.

17 (i) An operating agent who does not meet the requirements of  
18 subsection (h) forfeits a bond filed under this section. The proceeds  
19 of a bond that is in default under this subsection are paid to the  
20 commission for the benefit of the local unit from which the  
21 riverboat operated.

22 (j) The total liability of the surety on a bond is limited to the  
23 amount specified in the bond, and the continuous nature of the  
24 bond may not be construed as allowing the liability of the surety  
25 under a bond to accumulate for each successive approval period  
26 during which the bond is in force.

27 (k) A bond filed under this section is released sixty (60) days  
28 after:

29 (1) the time specified under subsection (h); and

30 (2) a written request is submitted by the operating agent.

31 Sec. 7. (a) Unless the operating agent's license is terminated,  
32 expires, or is revoked, the operating agent's license may be  
33 renewed annually upon:

34 (1) the payment of a five thousand dollar (\$5,000) annual  
35 renewal fee; and

36 (2) a determination by the commission that the licensee  
37 satisfies the conditions of this article.

38 (b) An operating agent shall undergo a complete investigation  
39 every three (3) years to determine that the operating agent remains  
40 in compliance with this article.

41 (c) Notwithstanding subsection (b), the commission may  
42 investigate an operating agent at any time the commission  
43 determines it is necessary to ensure that the licensee remains in  
44 compliance with this article.

45 (d) The operating agent shall bear the cost of an investigation or  
46 a reinvestigation of the operating agent.

47 Sec. 8. A license issued under this chapter permits the holder to  
48 operate a riverboat on behalf of the licensed owner of the



1 riverboat.

2 **Sec. 9. An operating agent licensed under this chapter is**  
 3 **charged with all the duties imposed upon a licensed owner under**  
 4 **this article, including the collection and remission of taxes under**  
 5 **IC 4-33-13.**

6 SECTION 65. IC 4-33-7-3 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A person may  
 8 not receive a supplier's license if:

- 9 (1) the person has been convicted of a felony under Indiana law,  
 10 the laws of any other state, or laws of the United States;
- 11 (2) the person has knowingly or intentionally submitted a  
 12 application for a license under this chapter that contains false  
 13 information;
- 14 (3) the person is a member of the commission;
- 15 (4) the person is an officer, a director, or a managerial employee  
 16 of a person described in subdivision (1) or (2);
- 17 (5) the person employs an individual who:  
 18 (A) is described in subdivision (1), (2), or (3); and  
 19 (B) participates in the management or operation of gambling  
 20 operations authorized under this article;
- 21 (6) the person owns more than a ten percent (10%) ownership  
 22 interest in any other person holding an owner's license issued  
 23 under this ~~chapter~~; **article**; or
- 24 (7) a license issued to the person:  
 25 (A) under this article; or  
 26 (B) to supply gaming supplies in another jurisdiction;  
 27 has been revoked.

28 SECTION 66. IC 4-33-7.5 IS ADDED TO THE INDIANA CODE  
 29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2002]:

31 **Chapter 7.5. Pari-Mutuel Pull Tab Suppliers**

32 **Sec. 1. The commission may issue a supplier's license under this**  
 33 **chapter to a person if:**

- 34 (1) the person has:  
 35 (A) applied for the supplier's license;  
 36 (B) paid a nonrefundable application fee set by the  
 37 commission;  
 38 (C) paid a five thousand dollar (\$5,000) annual license fee;  
 39 and  
 40 (D) submitted on forms provided by the commission:  
 41 (i) if the applicant is an individual, two (2) sets of the  
 42 individual's fingerprints; and  
 43 (ii) if the applicant is not an individual, two (2) sets of  
 44 fingerprints for each officer and director of the  
 45 applicant; and
- 46 (2) the commission has determined that the applicant is  
 47 eligible for a supplier's license.

48 **Sec. 2. (a) A person holding a supplier's license may sell, lease,**

1 and contract to sell or lease pari-mutuel pull tab terminals and  
 2 devices to a permit holder authorized to sell and redeem  
 3 pari-mutuel pull tab tickets under IC 4-31-7.5.

4 (b) Pari-mutuel pull tab terminals and devices may not be  
 5 distributed unless the terminals and devices conform to standards  
 6 adopted by the commission.

7 **Sec. 3. A person may not receive a supplier's license if:**

8 (1) the person has been convicted of a felony under Indiana  
 9 law, the laws of any other state, or laws of the United States;

10 (2) the person has knowingly or intentionally submitted an  
 11 application for a license under this chapter that contains false  
 12 information;

13 (3) the person is a member of the commission;

14 (4) the person is an officer, a director, or a managerial  
 15 employee of a person described in subdivision (1) or (2);

16 (5) the person employs an individual who:

17 (A) is described in subdivision (1), (2), or (3); and

18 (B) participates in the management or operation of  
 19 gambling operations authorized under this article;

20 (6) the person owns more than a ten percent (10%) ownership  
 21 interest in any other person holding a permit issued under  
 22 IC 4-31; or

23 (7) a license issued to the person:

24 (A) under this article; or

25 (B) to supply gaming supplies in another jurisdiction;  
 26 has been revoked.

27 **Sec. 4. A person may not furnish pari-mutuel pull tab terminals**  
 28 **or devices to a permit holder unless the person possesses a**  
 29 **supplier's license.**

30 **Sec. 5. (a) A supplier shall furnish to the commission a list of all**  
 31 **pari-mutuel pull tab terminals and devices offered for sale or lease**  
 32 **in connection with the sale of pari-mutuel pull tab tickets**  
 33 **authorized under IC 4-31-7.5.**

34 (b) A supplier shall keep books and records for the furnishing  
 35 of pari-mutuel pull tab terminals and devices to permit holders  
 36 separate from books and records of any other business operated by  
 37 the supplier.

38 (c) A supplier shall file a quarterly return with the commission  
 39 listing all sales and leases.

40 (d) A supplier shall permanently affix the supplier's name to all  
 41 of the supplier's pari-mutuel pull tab terminals or devices provided  
 42 to permit holders under this chapter.

43 **Sec. 6. A supplier's pari-mutuel pull tab terminals or devices**  
 44 **that are used by a person in an unauthorized gambling operation**  
 45 **shall be forfeited to the state.**

46 **Sec. 7. Pari-mutuel pull tab terminals and devices that are**  
 47 **provided by a supplier may be:**

48 (1) repaired on the premises of a racetrack or satellite facility;

1 or

2 (2) removed for repair from the premises of a permit holder  
3 to a facility owned by the permit holder.

4 Sec. 8. (a) Unless a supplier's license is suspended, expires, or is  
5 revoked, the supplier's license may be renewed annually upon:

6 (1) the payment of a five thousand dollar (\$5,000) annual  
7 renewal fee; and

8 (2) a determination by the commission that the licensee is in  
9 compliance with this article.

10 (b) The holder of a supplier's license shall undergo a complete  
11 investigation every three (3) years to determine that the licensee is  
12 in compliance with this article.

13 (c) Notwithstanding subsection (b), the commission may  
14 investigate the holder of a supplier's license at any time the  
15 commission determines it is necessary to ensure that the licensee is  
16 in compliance with this article.

17 (d) The holder of a supplier's license shall bear the cost of an  
18 investigation or reinvestigation of the licensee and any  
19 investigation resulting from a potential transfer of ownership.

20 SECTION 67. IC 4-33-8-5 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) An application  
22 for an occupational license must:

23 (1) be made on forms prescribed by the commission; and

24 (2) contain all information required by the commission.

25 (b) An applicant for an occupational license must provide the  
26 following information in the application:

27 (1) If the applicant has held other licenses relating to gambling.

28 (2) If the applicant has been licensed in any other state under any  
29 other name. The applicant must provide under this subdivision the  
30 name under which the applicant was licensed in the other state.

31 (3) The applicant's age.

32 (4) If a permit or license issued to the applicant in another state  
33 has been suspended, restricted, or revoked. The applicant must  
34 describe the date and length of a suspension, restriction, or  
35 revocation described in this subdivision.

36 (c) The information contained in an application for an  
37 occupational license may be confidential except for the following:

38 (1) The first and last name of the applicant.

39 (2) The age of the applicant.

40 (3) The city and state of the applicant's residence.

41 (4) The occupational license number.

42 (5) The applicant's business address.

43 (6) The applicant's business telephone number.

44 (7) The level of license for which the applicant has applied.

45 (8) The employment position for which the applicant has  
46 applied.

47 SECTION 68. IC 4-33-8-11 IS AMENDED TO READ AS  
48 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) An individual

1 who is disqualified under section 3(2) of this chapter due to a  
 2 conviction for a felony may apply to the commission for a waiver of the  
 3 requirements of section 3(2) of this chapter.

4 (b) The commission may waive **during a public meeting** the  
 5 requirements of section 3(2) of this chapter with respect to an  
 6 individual applying for an occupational license if:

7 (1) the individual qualifies for a waiver under subsection (e) or  
 8 (f); and

9 (2) the commission determines that the individual has  
 10 demonstrated by clear and convincing evidence the individual's  
 11 rehabilitation.

12 (c) In determining whether the individual applying for the  
 13 occupational license has demonstrated rehabilitation under subsection  
 14 (b), the commission shall consider the following factors:

15 (1) The nature and duties of the position applied for by the  
 16 individual.

17 (2) The nature and seriousness of the offense or conduct.

18 (3) The circumstances under which the offense or conduct  
 19 occurred.

20 (4) The date of the offense or conduct.

21 (5) The age of the individual when the offense or conduct was  
 22 committed.

23 (6) Whether the offense or conduct was an isolated or a repeated  
 24 incident.

25 (7) A social condition that may have contributed to the offense or  
 26 conduct.

27 (8) Evidence of rehabilitation, including good conduct in prison  
 28 or in the community, counseling or psychiatric treatment received,  
 29 acquisition of additional academic or vocational education,  
 30 successful participation in a correctional work release program,  
 31 or the recommendation of a person who has or has had the  
 32 individual under the person's supervision.

33 (9) The complete criminal record of the individual.

34 (10) The prospective employer's written statement that:

35 (A) the employer has been advised of all of the facts and  
 36 circumstances of the individual's criminal record; and

37 (B) after having considered the facts and circumstances, the  
 38 prospective employer will hire the individual if the  
 39 commission grants a waiver of the requirements of section  
 40 3(2) of this chapter.

41 (d) The commission may not waive the requirements of section 3(2)  
 42 of this chapter for an individual who has been convicted of committing  
 43 any of the following:

44 (1) A felony in violation of federal law (as classified in 18 U.S.C.  
 45 3559).

46 (2) A felony of fraud, deceit, or misrepresentation under the laws  
 47 of Indiana or any other jurisdiction.

(3) A felony of conspiracy to commit a felony described in subdivision (1), (2), or (4) under the laws of Indiana or any other jurisdiction.

(4) A felony of gambling under IC 35-45-5 or IC 35-45-6 or a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a crime described in IC 35-45-5 or IC 35-45-6.

(e) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

(1) the individual has been convicted of committing:

(A) a felony described in IC 35-42 against another human being or a felony described in IC 35-48-4;

(B) a felony under Indiana law that results in bodily injury, serious bodily injury, or death to another human being; or

(C) a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a felony described in clause (A) or (B); and

(2) ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later, for the conviction described in subdivision (1).

(f) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

(1) the individual has been convicted in Indiana or any other jurisdiction of committing a felony not described in subsection (d) or (e); and

(2) five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later, for the conviction described in subdivision (1).

(g) To enable a prospective employer to determine, for purposes of subsection (c)(10), whether the prospective employer has been advised of all of the facts and circumstances of the individual's criminal record, the commission shall notify the prospective employer of all information that the commission:

(1) has obtained concerning the individual; and

(2) is authorized to release under IC 5-14.

(h) The commission shall deny the individual's request to waive the requirements of section 3(2) of this chapter if the individual fails to disclose to both the commission and the prospective employer all information relevant to this section.

SECTION 69. IC 4-33-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b), a riverboat ~~excursions~~ **cruise** may not exceed four (4) hours for a round trip.

(b) Subsection (a) does not apply to an extended cruise that is expressly approved by the commission.

SECTION 70. IC 4-33-9-14 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section  
 2 applies only to a riverboat that operates from a county that is  
 3 contiguous to the Ohio River.

4 (b) A ~~gambling excursion~~ **cruise** is permitted only when the  
 5 navigable waterway for which the riverboat is licensed is navigable, as  
 6 determined by the commission in consultation with the United States  
 7 Army Corps of Engineers.

8 SECTION 71. IC 4-33-9-15 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) All tokens,  
 10 chips, or electronic cards that are used to make wagers must be  
 11 purchased from the owner of the riverboat:

12 (1) while on board the riverboat; or

13 (2) at an on-shore facility that:

14 (A) has been approved by the commission; and

15 (B) is located where the riverboat docks.

16 (b) The tokens, chips, or electronic cards may be purchased by  
 17 means of an agreement under which the owner extends credit to the  
 18 patron.

19 **(c) A licensed owner may not seek treble damages in an action**  
 20 **to collect a gambling debt incurred under this section.**

21 SECTION 72. IC 4-33-10-1 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. **(a)** A person who  
 23 knowingly or intentionally:

24 (1) makes a false statement on an application submitted under this  
 25 article;

26 (2) operates a ~~gambling excursion~~ **riverboat** in which wagering  
 27 is conducted or is to be conducted in a manner other than the  
 28 manner required under this article;

29 (3) permits a person less than twenty-one (21) years of age to  
 30 make a wager;

31 (4) wagers or accepts a wager at a location other than a riverboat;

32 **or**

33 (5) makes a false statement on an application submitted to the  
 34 commission under this article **or under IC 4-31-7.5;**

35 **(6) aids, induces, or causes a person less than twenty-one (21)**  
 36 **years of age who is not an employee of the riverboat gambling**  
 37 **operation to enter or attempt to enter a riverboat; or**

38 **(7) aids, induces, or causes a person less than twenty-one (21)**  
 39 **years of age who is not an employee of a pari-mutuel pull tab**  
 40 **operation licensed under IC 4-31-7.5 to enter or attempt to**  
 41 **enter the pari-mutuel pull tab operation;**

42 commits a Class A misdemeanor.

43 **(b) A person who:**

44 **(1) is not an employee of the riverboat operation;**

45 **(2) is less than twenty-one (21) years of age; and**

46 **(3) knowingly or intentionally enters or attempts to enter a**  
 47 **riverboat;**

1 commits a Class A misdemeanor.

2 (c) A person who:

3 (1) is not an employee of a pari-mutuel pull tab operation  
4 licensed under IC 4-31;

5 (2) is less than twenty-one (21) years of age; and

6 (3) knowingly or intentionally enters or attempts to enter the  
7 pari-mutuel pull tab operation;

8 commits a Class A misdemeanor.

9 SECTION 73. IC 4-33-10-5 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. An action to  
11 prosecute a crime occurring during a gambling ~~excursion on a~~  
12 **riverboat** shall be tried in the county of the dock where the riverboat  
13 is ~~based~~ **located**.

14 SECTION 74. IC 4-33-13-1 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) A tax is imposed  
16 on the adjusted gross receipts received from gambling games  
17 authorized under this article at the rate of:

18 ~~twenty percent (20%)~~ (1) **twenty-eight percent (28%)** of the  
19 ~~amount~~ **first one hundred million dollars (\$100,000,000)** of the  
20 adjusted gross receipts **received during the period beginning**  
21 **July 1 of each year and ending June 30 of the following year;**  
22 **and**

23 (2) **thirty-one percent (31%) of the adjusted gross receipts**  
24 **exceeding one hundred million dollars (\$100,000,000) that are**  
25 **received during the period beginning July 1 of each year and**  
26 **ending June 30 of the following year.**

27 (b) The licensed owner shall remit the tax imposed by this chapter  
28 to the department before the close of the business day following the day  
29 the wagers are made.

30 (c) The department may require payment under this section to be  
31 made by electronic funds transfer (as defined in IC 4-8.1-2-7(e)).

32 (d) If the department requires taxes to be remitted under this chapter  
33 through electronic funds transfer, the department may allow the  
34 licensed owner to file a monthly report to reconcile the amounts  
35 remitted to the department.

36 (e) The department may allow taxes remitted under this section to  
37 be reported on the same form used for taxes paid under IC 4-33-12  
38 **(before its repeal).**

39 SECTION 75. IC 4-33-13-4, AS AMENDED BY P.L.273-1999,  
40 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2002]: Sec. 4. Sufficient funds are annually appropriated to  
42 the commission from the state gaming fund to administer this article.  
43 **Funds in the fund are available, with the approval of the budget**  
44 **agency, to augment and supplement the funds appropriated to the**  
45 **commission for the purpose of administering pari-mutuel pull tabs**  
46 **under IC 4-31-7.5.**

47 SECTION 76. IC 4-33-13-5, AS AMENDED BY P.L.186-2002,

SECTION 11, AND AS AMENDED BY P.L.178-2002, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) **This subsection does not apply to a riverboat located in a historic district described in IC 4-33-1-1(3).** After funds are appropriated under section 4 of this chapter, each ~~month~~ **year** the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) Twenty-five percent (25%) of the tax revenue remitted by each licensed owner shall be paid **as follows:**

~~(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected; in the case of:~~

~~(i) a city described in IC 4-33-12-6(b)(1)(A); or~~

~~(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);~~

~~(B) in equal shares to the counties described in IC 4-33-1-1(3); in the case of a riverboat whose home dock is on Patoka Lake; or~~

~~(C) (A) Twenty-five percent (25%) to the county that is designated as the home dock of in which the riverboat from which the tax revenue was collected in the case of a riverboat whose home dock is not in a city described in clause (A) or a county described in clause (B); and is located.~~

**(B) Two and five-tenths percent (2.5%) to the county convention and visitors bureau of the county in which the riverboat from which the tax revenue was collected is located.**

**(C) The remainder to the city that is designated as the home dock of the riverboat from which the tax revenue was collected in the case of a riverboat docked in a city that:**

**(i) is described in IC 4-33-6-1(a)(1) through IC 4-33-6-1(a)(4) or IC 4-33-6-1(b); or**

**(ii) is contiguous to the Ohio River and is the largest city in the county.**

**If the riverboat is not docked in a city described in item (i) or (ii), the amount paid under this clause must be paid to the county in which the riverboat from which the tax revenue was collected is located.**

**The treasurer of state shall distribute the amounts that are required to be paid under this subdivision to the counties, cities, and convention and visitors bureaus on a monthly basis.**

**(2) Except as provided in subsection (g), seventy-five percent (75%) of the tax revenue remitted by each licensed owner shall be paid as follows:**



1 (A) Twenty-six million dollars (\$26,000,000) minus the  
 2 amount, if any, paid to the Indiana horse racing  
 3 commission under IC 4-31-7.6-4 shall be paid to the  
 4 Indiana horse racing commission to be distributed as  
 5 follows, in amounts determined by the Indiana horse  
 6 racing commission, for the promotion and operation of  
 7 horse racing in Indiana:

8 (i) To one (1) or more breed development funds  
 9 established by the Indiana horse racing commission  
 10 under IC 4-31-11-10.

11 (ii) To each racetrack that has been approved by the  
 12 Indiana horse racing commission under IC 4-31. The  
 13 Indiana horse racing commission may make a grant  
 14 under this clause only for purses, promotions, and  
 15 routine operations of a racetrack. No grants shall be  
 16 made for long term capital investment or construction  
 17 and no grants shall be made before the racetrack  
 18 becomes operational and is offering a racing schedule.

19 (iii) To county fairs, 4-H fairs, a fair located in a town  
 20 having a population of more than one thousand one  
 21 hundred (1,100) located in a county having a population  
 22 of more than thirty-six thousand seventy-five (36,075)  
 23 but less than thirty-seven thousand (37,000), and a  
 24 trotting association located in a county having a  
 25 population of more than twenty-one thousand eight  
 26 hundred (21,800) but less than twenty-two thousand one  
 27 hundred (22,100). Distributions made under this item  
 28 shall be used for the maintenance and operation of horse  
 29 racing facilities.

30 Before August 1 of each year, the treasurer of state shall  
 31 set aside the amount of the money subtracted from the  
 32 amount paid to the Indiana horse racing commission under  
 33 this clause in the preceding state fiscal year to make the  
 34 revenue sharing distributions required under subsection  
 35 (f).

36 (B) Four million dollars (\$4,000,000) to the division of  
 37 mental health and addiction.

38 (C) Six million dollars (\$6,000,000) to the state fair  
 39 commission for use in any activity that the commission is  
 40 authorized to carry out under IC 15-1.5-3.

41 (D) Fifteen million dollars (\$15,000,000) to the Indiana  
 42 twenty-first century research and technology fund.

43 (E) The remainder to the state general fund.

44 The treasurer of state shall proportionately distribute the  
 45 amounts that are required to be paid in each state fiscal year  
 46 under clauses (A) through (E) in twelve (12) equal  
 47 installments based on an estimate of total projected revenues  
 48 for the state fiscal year certified by the budget agency or, if

the budget agency modifies its estimate, the recertified estimate of projected revenues for the state fiscal year. In December of each state fiscal year, the treasurer of state shall transfer from money deposited under clause (E) to each of the specified purposes under clauses (A) through (D) the remainder of any amount necessary to provide fifty percent (50%) of the funding specified in clauses (A) through (D) for each of the specified purposes after deducting the sum of the amounts remitted on a monthly basis to that purpose in the state fiscal year. In June of each state fiscal year, the treasurer of state shall transfer from money deposited under clause (E) to each of the specified purposes under clauses (A) through (D) the remainder of any amount necessary to provide one hundred percent (100%) of the funding specified in clauses (A) through (D) for each of the specified purposes after deducting the sum of the amounts remitted on a monthly basis to that purpose in the state fiscal year. However, if insufficient money is deposited under clause (E) to comply with this subsection, the treasurer of state shall proportionally reduce the amount transferred to each purpose in clauses (A) through (D).

(b) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the state general fund under subsection (a)(2)(E) to the build Indiana fund *lottery and gaming surplus account*: an amount not to exceed two hundred fifty million dollars (\$250,000,000). The amount transferred under this subsection shall be paid in two (2) equal installments not to exceed one hundred twenty-five million dollars (\$125,000,000) each on the last day of December and the last day of June each state fiscal year and shall be reduced by the following amounts deposited in the build Indiana fund during the same state fiscal year:

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32-10-6.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall distribute the amounts required to be paid under this subsection based on an estimate of total amount to be transferred to the state general fund under subsection (a)(2)(E) for the state fiscal year certified by the budget agency or, if the budget agency modifies its estimate, the recertified estimate of the amount to be transferred to the state general fund under subsection (a)(2)(E). If in any state fiscal year insufficient money is transferred to the state general fund under subsection (a)(2)(E) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the state general fund from the transfers under subsection (a)(2)(E) for the state fiscal year. Projects for which

1 money was appropriated from the build Indiana fund under  
 2 P.L.291-2001, SECTION 38, must be funded, upon review of the  
 3 budget committee, from the money transferred under this  
 4 subsection.

5 (c) This subsection applies only to a riverboat located in a  
 6 historic district described in IC 4-33-1-1(3). After funds are  
 7 appropriated under section 4 of this chapter, each year the  
 8 treasurer of state shall distribute the tax revenue deposited in the  
 9 state gaming fund under this chapter to the following:

10 (1) Twenty percent (20%) to the state general fund.

11 (2) Thirty-five percent (35%) to the historic district described  
 12 in IC 4-33-1-1(3).

13 (3) Twenty-seven percent (27%) to be divided evenly among  
 14 the counties contiguous to Patoka Lake.

15 (4) Five and five-tenths percent (5.5%) to a town described in  
 16 IC 4-33-1-1(3)(C)(i).

17 (5) Five and five-tenths percent (5.5%) to a town described in  
 18 IC 4-33-1-1(3)(C)(ii).

19 (6) Two percent (2%) to the tourism commission of a town  
 20 described in IC 4-33-1-1(3)(C)(i).

21 (7) Two percent (2%) to the tourism commission of a town  
 22 described in IC 4-33-1-1(3)(C)(ii).

23 (8) Three percent (3%) to a county having a population of  
 24 more than nineteen thousand three hundred (19,300) but less  
 25 than twenty thousand (20,000). Money distributed to a county  
 26 under this subdivision must be used to make grants to other  
 27 government agencies.

28 The treasurer of state shall distribute the amounts that are  
 29 required to be paid under this subsection on a monthly basis.

30 (d) If a permit holder sells pull tabs at a racetrack or satellite  
 31 facility, the maximum amount that the Indiana horse racing  
 32 commission may grant for routine operations at the permit  
 33 holder's racetrack under subsection (a)(2)(A)(ii) is equal to:

34 (1) the total amount granted under this section in a calendar  
 35 year to a racetrack operated by a permit holder under a  
 36 recognized meeting permit first issued before January 1,  
 37 2002; minus

38 (2) the total adjusted gross receipts reported by a permit  
 39 holder under IC 4-31-7.6-3 for the twelve (12) months  
 40 immediately preceding the date on which the grant is  
 41 distributed.

42 (e) Money received by the division of mental health and  
 43 addiction under subsection (a)(2)(B):

44 (1) is annually appropriated to the division of mental health  
 45 and addiction;

46 (2) shall be distributed to the division of mental health and  
 47 addiction at times during each state fiscal year determined by  
 48 the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions.

The division of mental health and addiction shall allocate at least twenty-five percent (25%) of the money received under subdivision (3) to the prevention and treatment of compulsive gambling.

(f) Before August 15, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(2)(A) to the county treasurer of each county that does not have a riverboat, a pari-mutuel horse racing track, or a pari-mutuel horse racing satellite facility that offers pari-mutuel pull tabs according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat, a pari-mutuel horse racing track, or a pari-mutuel horse racing satellite facility that offers pari-mutuel pull tabs. The county treasurer shall distribute the money received by the county under this subsection as follows:

(1) Ten percent (10%) of the money shall be retained by the county to promote tourism. If a county has a convention, visitor, and tourism promotion fund, or a similar fund, the county treasurer shall deposit the required amount into the fund.

(2) Ninety percent (90%) of the money shall be distributed as follows:

(A) To each city located in the county according to the ratio the city's population bears to the total population of the county.

(B) To each town located in the county according to the ratio the town's population bears to the total population of the county.

(C) After the distributions required in clauses (A) and (B) are made, the remainder shall be retained by the county.

(g) If the treasurer of state determines that the amount distributed to a city, county, or county convention and visitor's bureau under subsection (a)(1) is less than the average monthly distribution as determined over the preceding twelve (12) months, the treasurer of state shall make an additional distribution to the city, county, or county convention and visitor's bureau. The additional distribution is equal to the difference between the average monthly distribution and the amount distributed under subsection (a)(1). The treasurer of state shall make the additional distribution required under this subsection from tax revenues that would have otherwise been distributed under subsection (a)(2).

SECTION 77. IC 4-33-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) Money paid to a

1 unit of local government under this chapter:

2 (1) must be paid to the fiscal officer of the unit and may be  
3 deposited in the unit's general fund or riverboat fund established  
4 under IC 36-1-8-9, or both;

5 (2) may not be used to reduce the unit's maximum or actual levy  
6 under IC 6-1.1-18.5; and

7 (3) may be used for any legal or corporate purpose of the unit,  
8 including the pledge of money to bonds, leases, or other  
9 obligations under IC 5-1-14-4.

10 (b) This chapter does not prohibit the city or county designated as  
11 the home dock of the riverboat from entering into agreements with  
12 other units of local government in Indiana or in other states to share the  
13 city's or county's part of the tax revenue received under this chapter.

14 (c) **Money paid by the treasurer of state under section 5(c)(6)**  
15 **and 5(c)(7) of this chapter must be used only for the tourism**  
16 **promotion, advertising, and economic development activities of the**  
17 **respective towns.**

18 SECTION 78. IC 4-33-13-7 IS ADDED TO THE INDIANA CODE  
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
20 UPON PASSAGE]: **Sec. 7. A licensed owner shall renegotiate an**  
21 **economic development agreement entered into with a unit of**  
22 **government if payments to the unit that are required under the**  
23 **agreement are based on the admissions tax imposed under**  
24 **IC 4-33-12 (before its repeal). An agreement negotiated under this**  
25 **section may not allow a licensed owner to reduce the licensed**  
26 **owner's obligations to the parties to the economic development**  
27 **agreement below the amounts paid under the agreement in 2001.**

28 SECTION 79. IC 4-33-13-8 IS ADDED TO THE INDIANA CODE  
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
30 UPON PASSAGE]: **Sec. 8. If a political subdivision that is**  
31 **designated as the home dock of a riverboat has entered into an**  
32 **interlocal cooperation agreement to distribute a portion of the**  
33 **riverboat admissions tax paid to the political subdivision under**  
34 **IC 4-33-12 (before its repeal) to additional political subdivisions,**  
35 **then the political subdivision that is designated as the home dock**  
36 **of a riverboat shall distribute tax revenues paid to the political**  
37 **subdivision under section 5(a)(1) of this chapter in amounts**  
38 **consistent with the terms of the interlocal cooperation agreement.**  
39 **Any dispute over the distribution of tax revenue in accordance with**  
40 **this section shall be resolved by the Indiana gaming commission.**

41 SECTION 80. IC 4-33-14-1 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 1. The general**  
43 **assembly declares that the opportunity for full minority and women's**  
44 **business enterprise participation in the riverboat industry and**  
45 **pari-mutuel pull tab industries is essential if social and economic**  
46 **parity is to be obtained by minority and women business persons and**  
47 **if the economies of the riverboat cities and pari-mutuel pull tab**

1 **communities** are to be stimulated as contemplated by this article and  
 2 **IC 4-31-7.5. In complying with this chapter, a licensed owner or**  
 3 **permit holder should give priority to minority and women's**  
 4 **business enterprises in the following order:**

5 (1) **Local enterprises.**

6 (2) **Enterprises located in Indiana and the region surrounding**  
 7 **the licensee's riverboat or pull tab facility.**

8 (3) **Indiana enterprises.**

9 (4) **National enterprises.**

10 SECTION 81. IC 4-33-14-1.5 IS ADDED TO THE INDIANA  
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2002]: **Sec. 1.5. This chapter applies to:**

13 (1) **a licensed owner of a riverboat licensed under this article;**  
 14 **and**

15 (2) **a permit holder licensed to sell pari-mutuel pull tabs under**  
 16 **IC 4-31-7.5.**

17 SECTION 82. IC 4-33-14-5, AS AMENDED BY P.L.195-2001,  
 18 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2002]: Sec. 5. (a) As used in this section, "goods and services"  
 20 does not include the following:

21 (1) Utilities and taxes.

22 (2) Financing costs, mortgages, loans, or other debt.

23 (3) Medical insurance.

24 (4) Fees and payments to a parent or an affiliated company of the  
 25 person holding an owner's license **or a pari-mutuel pull tab**  
 26 **license**, other than fees and payments for goods and services  
 27 supplied by nonaffiliated persons through an affiliated company  
 28 for the use or benefit of the person holding the owner's license **or**  
 29 **a pari-mutuel pull tab license.**

30 (5) Rents paid for real property or payments constituting the price  
 31 of an interest in real property as a result of a real estate  
 32 transaction.

33 (b) Notwithstanding any law or rule to the contrary, the commission  
 34 shall establish annual goals for a person issued an owner's license **or**  
 35 **a pari-mutuel pull tab license:**

36 (1) for the use of minority and women's business enterprises; and

37 (2) derived from a statistical analysis of utilization study of  
 38 licensee contracts for goods and services that are required to be  
 39 updated every five (5) years.

40 A person holding an owner's license **or a pari-mutuel pull tab license**  
 41 shall submit annually to the commission a report that includes the total  
 42 dollar value of contracts awarded for goods or services and the  
 43 percentage awarded to minority and women's business enterprises.

44 (c) A person holding an owner's license **or a pari-mutuel pull tab**  
 45 **license** shall make a good faith effort to meet the requirements of this  
 46 section and shall annually demonstrate to the commission that an effort  
 47 was made to meet the requirements.

(d) A person holding an owner's license **or a pari-mutuel pull tab license** may fulfill not more than seventy percent (70%) of an obligation under this chapter by requiring a vendor to set aside a part of a contract for minority or women's business enterprises. Upon request, the licensee shall provide the commission with proof of the amount of the set aside.

SECTION 83. IC 4-33-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. If the commission determines that the provisions of this chapter relating to expenditures and assignments to minority and women's business enterprises have not been met by a licensee, the commission may suspend, limit, or revoke the owner's license **or fine or the permit holder's pari-mutuel pull tab license**, or impose **a civil penalty or** appropriate conditions on the licensee to ensure that the goals for expenditures and assignments to minority and women's business enterprises are met. However, if a determination is made that a person holding an owner's license **or a pari-mutuel pull tab license** has failed to demonstrate compliance with this chapter, the person has ninety (90) days from the date of the determination of noncompliance to comply.

SECTION 84. IC 4-33-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. The commission shall establish and administer a unified certification procedure for minority and women's business enterprises that do business with riverboat operations **and pari-mutuel pull tab operations** on contracts for goods and services or contracts for business.

SECTION 85. IC 4-33-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. The commission shall supply persons holding owner's licenses **or pari-mutuel pull tab licenses** with a list of the minority and women's business enterprises the commission has certified under section 7 of this chapter. The commission shall review the list annually to determine the minority and women's business enterprises that should continue to be certified. The commission shall establish a procedure for challenging the designation of a certified minority and women's business enterprise. The procedure must include proper notice and a hearing for all parties concerned.

SECTION 86. IC 4-33-14-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. (a) This section applies to **the following**:

(1) A person holding an owner's licenses for riverboats operated from a city described under IC 4-33-6-1(a)(1) through IC 4-33-6-1(a)(3).

(2) **A person holding a license to sell pari-mutuel pull tabs under IC 4-31-7.5.**

(b) The commission shall require persons holding owner's licenses to adopt policies concerning the preferential hiring of residents of the city in which the riverboat docks for riverboat jobs.

(c) **The commission shall require a person holding a pari-mutuel**

1 pull tab license to adopt policies concerning the preferential hiring  
 2 of residents of the city or county in which the person has a  
 3 pari-mutuel pull tab operation.

4 SECTION 87. IC 4-33-14-11 IS ADDED TO THE INDIANA  
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2002]: **Sec. 11. The commission shall deposit**  
 7 **civil penalties imposed under section 6 of this chapter in the**  
 8 **minority and women business participation fund established by**  
 9 **section 12 of this chapter.**

10 SECTION 88. IC 4-33-14-12 IS ADDED TO THE INDIANA  
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2002]: **Sec. 12. (a) The minority and women**  
 13 **business participation fund is established to assist minority and**  
 14 **women business enterprises. The fund shall be administered by the**  
 15 **commission. The fund consists of fees collected under section 13 of**  
 16 **this chapter and civil penalties imposed under section 6 of this**  
 17 **chapter.**

18 (b) The Indiana department of administration may use fees  
 19 collected under section 13 of this chapter to hire employees to  
 20 administer this chapter. The commission may use other money in  
 21 the fund for the purposes of this chapter.

22 (c) The expenses of administering the fund shall be paid from  
 23 money in the fund.

24 (d) The treasurer of state shall invest money in the fund not  
 25 currently needed to meet the obligations of the fund in the same  
 26 manner as other public money may be invested. Interest that  
 27 accrues from these investments shall be deposited in the fund.

28 (e) Money in the fund at the end of a state fiscal year does not  
 29 revert to the state general fund.

30 SECTION 89. IC 4-33-14-13 IS ADDED TO THE INDIANA  
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2002]: **Sec. 13. The commission shall charge**  
 33 **an annual fee of ten thousand dollars (\$10,000) upon the following:**

34 (1) Each licensed owner of a riverboat licensed under this  
 35 article.

36 (2) Each racetrack offering pari-mutuel pull tabs under  
 37 IC 4-31-7.5.

38 (3) Each satellite facility offering pari-mutuel pull tabs under  
 39 IC 4-31-7.5.

40 The fees collected under this section must be deposited in the  
 41 minority and women business participation fund.

42 SECTION 90. IC 4-33-16 IS ADDED TO THE INDIANA CODE  
 43 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 44 UPON PASSAGE]:

45 **Chapter 16. Gambling Operations in a Historic District**

46 **Sec. 1. This chapter applies only to a historic district described**  
 47 **in IC 4-33-1-1(3) and established under IC 36-7-11-4.5.**

48 **Sec. 2. As used in this chapter, "district" refers to the historic**



1 district established under IC 36-7-11-4.5.

2 Sec. 3. As used in this chapter, "historic preservation  
3 commission" refers to the historic preservation commission  
4 established under IC 36-7-11-4.5.

5 Sec. 4. As used in this chapter, "operating expenses" means the  
6 following:

7 (1) Money spent by the historic preservation commission in  
8 the exercise of the historic preservation commission's powers  
9 under this article, IC 36-7-11-23, and IC 36-7-11-24 as limited  
10 by section 5 of this chapter.

11 (2) Management fees paid to the riverboat's licensed  
12 operating agent.

13 Sec. 5. A riverboat authorized under this article for a historic  
14 district described in IC 4-33-1-1(3) must be located on real  
15 property located in the district between the two (2) historic resort  
16 hotels.

17 Sec. 6. The commission shall grant an owner's license to the  
18 historic preservation commission upon the fulfillment of the  
19 following requirements:

20 (1) Riverboat gaming is approved in a public question.

21 (2) The commission completes the investigations required  
22 under IC 4-33-6.

23 Sec. 7. The historic preservation commission shall contract with  
24 another person to operate a riverboat located in the district. The  
25 person must be a licensed operating agent under IC 4-33-6.5.

26 Sec. 8. The net income derived from the riverboat after the  
27 payment of all operating expenses shall be deposited in the  
28 community trust fund established by IC 36-7-11.4-4.

29 Sec. 9. After deducting any tax revenue received under  
30 IC 4-33-13 that:

31 (1) is expended by the historic preservation commission to  
32 carry out the historic preservation commission's duties and  
33 powers under this article, IC 36-7-11-3, and IC 36-7-11-24; or

34 (2) is pledged to bonds, leases, or other obligations under  
35 IC 5-1-14-4;

36 the historic preservation commission shall deposit the remaining  
37 tax revenue in the community trust fund established by  
38 IC 36-7-11.4-4.

39 Sec. 10. (a) As used in this section, "electronic gaming device"  
40 has the meaning set forth in 68 IAC 1-1-29.

41 (b) As used in this section, "live gaming device" has the meaning  
42 set forth in 68 IAC 1-1-59.

43 (c) The licensed owner of a riverboat located in the historic  
44 district may not install more than five hundred (500) electronic  
45 gaming devices on board the riverboat.

46 (d) This section does not limit the number of live gaming devices  
47 that the licensed owner may install on board the riverboat."

48 Delete pages 12 through 15.

1 Page 16, delete lines 1 through 40.

2 Page 17, between lines 15 and 16, begin a new paragraph and insert:

3 "SECTION 95. IC 6-1.1-4-32, AS AMENDED BY P.L.178-2002,  
4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2002]: Sec. 32. (a) As used in this section, "contract" refers to  
6 a contract entered into under this section.

7 (b) As used in this section, "contractor" refers to a firm that enters  
8 into a contract with the department of local government finance under  
9 this section.

10 (c) As used in this section, "qualifying county" means a county  
11 having a population of more than four hundred thousand (400,000) but  
12 less than seven hundred thousand (700,000).

13 (d) Notwithstanding sections 15 and 17 of this chapter, a township  
14 assessor in a qualifying county may not appraise property, or have  
15 property appraised, for the general reassessment of real property to be  
16 completed for the March 1, 2002, assessment date. Completion of that  
17 general reassessment in a qualifying county is instead governed by this  
18 section. The only duty of:

19 (1) a township assessor in a qualifying county; or

20 (2) a county assessor of a qualifying county;

21 with respect to that general reassessment is to provide to the  
22 department of local government finance or the department's contractor  
23 under subsection (e) any support and information requested by the  
24 department or the contractor. This subsection expires June 30, 2004.

25 (e) The department of local government finance shall select and  
26 contract with a certified public accounting firm with expertise in the  
27 appraisal of real property to appraise property for the general  
28 reassessment of real property in a qualifying county to be completed for  
29 the March 1, 2002, assessment date. The department of local  
30 government finance may enter into additional contracts to provide  
31 software or other auxiliary services to be used for the appraisal of  
32 property for the general reassessment. The contract applies for the  
33 appraisal of land and improvements with respect to all classes of real  
34 property in the qualifying county. The contract must include:

35 (1) a provision requiring the appraisal firm to:

36 (A) prepare a detailed report of:

37 (i) expenditures made after July 1, 1999, and before the date  
38 of the report from the qualifying county's reassessment fund  
39 under section 28 of this chapter (repealed); and

40 (ii) the balance in the reassessment fund as of the date of the  
41 report; and

42 (B) file the report with:

43 (i) the legislative body of the qualifying county;

44 (ii) the prosecuting attorney of the qualifying county;

45 (iii) the department of local government finance; and

46 (iv) the attorney general;

47 (2) a fixed date by which the appraisal firm must complete all

responsibilities under the contract;

(3) subject to subsection (t), a provision requiring the appraisal firm to use the land values determined for the qualifying county under section 13.6 of this chapter;

(4) a penalty clause under which the amount to be paid for appraisal services is decreased for failure to complete specified services within the specified time;

(5) a provision requiring the appraisal firm to make periodic reports to the department of local government finance;

(6) a provision stipulating the manner in which, and the time intervals at which, the periodic reports referred to in subdivision (5) are to be made;

(7) a precise stipulation of what service or services are to be provided;

(8) a provision requiring the appraisal firm to deliver a report of the assessed value of each parcel in a township in the qualifying county to the department of local government finance; and

(9) any other provisions required by the department of local government finance.

After December 31, 2001, the department of local government finance has all the powers and duties of the state board of tax commissioners provided under a contract entered into under this subsection (as effective before January 1, 2002) before January 1, 2002. The contract is valid to the same extent as if it were entered into by the department of local government finance. However, a reference in the contract to the state board of tax commissioners shall be treated as a reference to the department of local government finance. The contract shall be treated for all purposes, including the application of IC 33-3-5-2.5, as the contract of the department of local government finance. If the department of local government finance terminates a contract before completion of the work described in this subsection, the department shall contract for completion of the work as promptly as possible under IC 5-22-6. This subsection expires June 30, 2004.

(f) At least one (1) time each month, the contractors that will make physical visits to the site of real property for reassessment purposes shall publish a notice under IC 5-3-1 describing the areas that are scheduled to be visited within the next thirty (30) days and explaining the purposes of the visit. The notice shall be published in a way to promote understanding of the purposes of the visit in the affected areas. After receiving the report of assessed values from the appraisal firm acting under a contract described in subsection (e), the department of local government finance shall give notice to the taxpayer and the county assessor, by mail, of the amount of the reassessment. The notice of reassessment is subject to appeal by the taxpayer to the Indiana board. The procedures and time limitations that apply to an appeal to the Indiana board of a determination of the department of local government finance apply to an appeal under this subsection. A

determination by the Indiana board of an appeal under this subsection is subject to appeal to the tax court under IC 6-1.1-15. This subsection expires on the later of June 30, 2004, or the date a final determination is entered in the last pending appeal filed under this subsection.

(g) In order to obtain a review by the Indiana board under subsection (f), the taxpayer must file a petition for review with the appropriate county assessor within forty-five (45) days after the notice of the department of local government finance is given to the taxpayer under subsection (f). This subsection expires June 30, 2004.

(h) The department of local government finance shall mail the notice required by subsection (f) within ninety (90) days after the department receives the report for a parcel from the professional appraisal firm. This subsection expires June 30, 2004.

(i) The qualifying county shall pay the cost of any contract under this section which shall be without appropriation from the county property reassessment fund. A contractor may periodically submit bills for partial payment of work performed under a contract. However, the maximum amount that the qualifying county is obligated to pay for all contracts entered into under subsection (e) for the general reassessment of real property in the qualifying county to be completed for the March 1, 2002, assessment date is twenty-five million five hundred thousand dollars (\$25,500,000). Notwithstanding any other law, a contractor is entitled to payment under this subsection for work performed under a contract if the contractor:

(1) submits, in the form required by IC 5-11-10-1, a fully itemized, certified bill for the costs under the contract of the work performed to the department of local government finance for review;

(2) obtains from the department of local government finance:

(A) approval of the form and amount of the bill; and

(B) a certification that the billed goods and services billed for payment have been received and comply with the contract; and

(3) files with the county auditor of the qualifying county:

(A) a duplicate copy of the bill submitted to the department of local government finance;

(B) the proof of approval provided by the department of local government finance of the form and amount of the bill that was approved; and

(C) the certification provided by the department of local government finance that indicates that the goods and services billed for payment have been received and comply with the contract.

An approval and a certification under subdivision (2) shall be treated as conclusively resolving the merits of the claim. Upon receipt of the documentation described in subdivision (3), the county auditor shall immediately certify that the bill is true and correct without further audit, publish the claim as required by IC 36-2-6-3, and submit the

claim to the county executive of the qualifying county. The county executive shall allow the claim, in full, as approved by the department of local government finance without further examination of the merits of the claim in a regular or special session that is held not less than three (3) days and not more than seven (7) days after completion of the publication requirements under IC 36-2-6-3. Upon allowance of the claim by the county executive, the county auditor shall immediately issue a warrant or check for the full amount of the claim approved by the department of local government finance. Compliance with this subsection shall be treated as compliance with section 28.5 of this chapter, IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and payment of a claim in compliance with this subsection is not subject to remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply to a claim under this subsection. IC 5-11-10-1.6(d) applies to a fiscal officer who pays a claim in compliance with this subsection. This subsection expires June 30, 2004.

(j) Notwithstanding IC 4-13-2, a period of seven (7) days is permitted for each of the following to review and act under IC 4-13-2 on a contract of the department of local government finance under this section:

- (1) The commissioner of the Indiana department of administration.
- (2) The director of the budget agency.
- (3) The attorney general.
- (4) The governor.

(k) With respect to a general reassessment of real property to be completed under section 4 of this chapter for an assessment date after the March 1, 2002, assessment date, the department of local government finance shall initiate a review with respect to the real property in a qualifying county or a township in a qualifying county, or a portion of the real property in a qualifying county or a township in a qualifying county. The department of local government finance may contract to have the review performed by an appraisal firm. The department of local government finance or its contractor shall determine for the real property under consideration and for the qualifying county or township the variance between:

- (1) the total assessed valuation of the real property within the qualifying county or township; and
- (2) the total assessed valuation that would result if the real property within the qualifying county or township were valued in the manner provided by law.

(l) If:

- (1) the variance determined under subsection (k) exceeds ten percent (10%); and
- (2) the department of local government finance determines after holding hearings on the matter that a special reassessment should be conducted;

1 the department shall contract for a special reassessment by an appraisal  
2 firm to correct the valuation of the property.

3 (m) If the variance determined under subsection (k) is ten percent  
4 (10%) or less, the department of local government finance shall  
5 determine whether to correct the valuation of the property under:

6 (1) sections 9 and 10 of this chapter; or

7 (2) IC 6-1.1-14-10 and IC 6-1.1-14-11.

8 (n) The department of local government finance shall give notice by  
9 mail to a taxpayer of a hearing concerning the department's intent to  
10 cause the taxpayer's property to be reassessed under this section. The  
11 time fixed for the hearing must be at least ten (10) days after the day  
12 the notice is mailed. The department of local government finance may  
13 conduct a single hearing under this section with respect to multiple  
14 properties. The notice must state:

15 (1) the time of the hearing;

16 (2) the location of the hearing; and

17 (3) that the purpose of the hearing is to hear taxpayers' comments  
18 and objections with respect to the department of local government  
19 finance's intent to reassess property under this chapter.

20 (o) If the department of local government finance determines after  
21 the hearing that property should be reassessed under this section, the  
22 department shall:

23 (1) cause the property to be reassessed under this section;

24 (2) mail a certified notice of its final determination to the county  
25 auditor of the qualifying county in which the property is located;  
26 and

27 (3) notify the taxpayer by mail of its final determination.

28 (p) A reassessment may be made under this section only if the  
29 notice of the final determination under subsection (n) is given to the  
30 taxpayer within the same period prescribed in IC 6-1.1-9-3 or  
31 IC 6-1.1-9-4.

32 (q) If the department of local government finance contracts for a  
33 special reassessment of property under this section, the qualifying  
34 county shall pay the bill, without appropriation, from the county  
35 property reassessment fund. A contractor may periodically submit bills  
36 for partial payment of work performed under a contract.  
37 Notwithstanding any other law, a contractor is entitled to payment  
38 under this subsection for work performed under a contract if the  
39 contractor:

40 (1) submits, in the form required by IC 5-11-10-1, a fully  
41 itemized, certified bill for the costs under the contract of the work  
42 performed to the department of local government finance for  
43 review;

44 (2) obtains from the department of local government finance:

45 (A) approval of the form and amount of the bill; and

46 (B) a certification that the billed goods and services billed for  
47 payment have been received and comply with the contract; and

- (3) files with the county auditor of the qualifying county:
- (A) a duplicate copy of the bill submitted to the department of local government finance;
  - (B) the proof of approval provided by the department of local government finance of the form and amount of the bill that was approved; and
  - (C) the certification provided by the department of local government finance that indicates that the goods and services billed for payment have been received and comply with the contract.

An approval and a certification under subdivision (2) shall be treated as conclusively resolving the merits of the claim. Upon receipt of the documentation described in subdivision (3), the county auditor shall immediately certify that the bill is true and correct without further audit, publish the claim as required by IC 36-2-6-3, and submit the claim to the county executive of the qualifying county. The county executive shall allow the claim, in full, as approved by the department of local government finance without further examination of the merits of the claim in a regular or special session that is held not less than three (3) days and not more than seven (7) days after completion of the publication requirements under IC 36-2-6-3. Upon allowance of the claim by the county executive, the county auditor shall immediately issue a warrant or check for the full amount of the claim approved by the department of local government finance. Compliance with this subsection shall be treated as compliance with section 28.5 of this chapter, IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and payment of a claim in compliance with this subsection is not subject to remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply to a claim under this subsection. IC 5-11-10-1.6(d) applies to a fiscal officer who pays a claim in compliance with this subsection.

(r) A qualifying official (as defined in IC 33-3-5-2.5) shall provide information requested in writing by the department of local government finance or the department's contractor under this section not later than seven (7) days after receipt of the written request from the department or the contractor. If a qualifying official (as defined in IC 33-3-5-2.5) fails to provide the requested information within the time permitted in this subsection, the department of local government finance or the department's contractor may seek an order of the tax court under IC 33-3-5-2.5 for production of the information.

(s) The provisions of this section are severable in the manner provided in IC 1-1-1-8(b).

(t) A contract entered into under subsection (e) is subject to this subsection. A contractor shall use the land values determined for the qualifying county under section 13.6 of this chapter to the extent that the contractor finds that the land values reflect the true tax value of land, as determined under the statutes and the rules of the department of local government finance. If the contractor finds that the land values

determined for the qualifying county under section 13.6 of this chapter do not reflect the true tax value of land, the contractor shall determine land values for the qualifying county that reflect the true tax value of land, as determined under the statutes and the rules of the department of local government finance. The land values determined by the contractor shall be used to the same extent as if the land values had been determined under section 13.6 of this chapter. The contractor shall notify the county assessor and the township assessors in the qualifying county of the land values as modified under this subsection. This subsection expires June 30, 2004.

(u) A contractor acting under a contract under subsection (e) may notify the department of local government finance if:

(1) the county auditor fails to:

(A) certify the bill;

(B) publish the claim;

(C) submit the claim to the county executive; or

(D) issue a warrant or check;

as required in subsection (i) at the first opportunity the county auditor is legally permitted to do so;

(2) the county executive fails to allow the claim as required in subsection (i) at the first opportunity the county executive is legally permitted to do so; or

(3) a person or entity authorized to act on behalf of the county takes or fails to take an action, including failure to request an appropriation, and that action or failure to act delays or halts the process under this section for payment of a bill submitted by a contractor under subsection (i).

This subsection expires June 30, 2004.

(v) The department of local government finance, upon receiving notice under subsection (u) from the contractor, shall:

(1) verify the accuracy of the contractor's assertion in the notice that:

(A) a failure occurred as described in subsection (b)(1) or (b)(2); or

(B) a person or entity acted or failed to act as described in subsection (b)(3); and

(2) provide to the treasurer of state the department of local government finance's approval under subsection (i)(2)(A) of the bill with respect to which the contractor gave notice under subsection (u).

This subsection expires June 30, 2004.

(w) Upon receipt of the approval of the department of local government finance under subsection (v), the treasurer of state shall pay the contractor the amount of the bill approved by the department of local government finance from money in the possession of the state that would otherwise be available for distribution to the qualifying county, including distributions from the property tax replacement fund



or distributions of admissions taxes or wagering taxes. This subsection expires June 30, 2004.

(x) The treasurer of state shall withhold from the part attributable to the county of the next distribution to the county treasurer under IC 4-33-12-6 (**before its repeal**), IC 4-33-13-5, IC 6-1.1-21-4(b), or another law the amount of any payment made by the treasurer of state to the contractor under subsection (w). Money shall be deducted first from money payable under IC 6-1.1-21.4(b) and then from all other funds payable to the qualifying county. This subsection expires June 30, 2004.

(y) Compliance with subsections (u) through (x) shall be treated as compliance with IC 5-11-10. This subsection expires June 30, 2004.

(z) IC 5-11-10-1.6(d) applies to the treasurer of state with respect to the payment made in compliance with subsections (u) through (x). This subsection and subsections (u) through (y) shall be interpreted liberally so that the state shall, to the extent legally valid, ensure that the contractual obligations of a county under this section are paid. Nothing in this subsection or subsections (u) through (y) shall be construed to create a debt of the state. This subsection expires June 30, 2004."

Page 101, line 39, after "every" insert "**permit holder (as defined in IC 4-31-2-14) making a payment in the course of the permit holder's satellite facility operation and every**".

Page 102, line 2, after "from" insert "**an individual jackpot resulting from**".

Page 102, line 3, after "play" insert "**or from pari-mutuel pull tab play**".

Page 102, line 10, delete "following the day the winnings are paid,".

Page 102, line 11, delete "actually or constructively." and insert "**on the first Monday of each month.**".

Page 102, line 15, after "." insert "**Pari-mutuel pull tab winnings valued at one thousand two hundred dollars (\$1, 200) or more are subject to withholding under this section even if the winnings are not reportable or subject to withholding for federal income tax purposes.**".

Page 116, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 100. IC 6-3.1-20-7, AS AMENDED BY P.L.178-2002, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) The department shall before July 1 of each year determine the amount of credits allowed under this chapter for taxable years ending before January 1 of the year.

(b) One-half (½) of the amount determined by the department under subsection (a) shall be:

- (1) deducted during the year from the riverboat ~~admissions~~ **wagering** tax revenue otherwise payable to the county under ~~IC 4-33-12-6(d)(2); IC 4-33-13-5(a)(1)(A);~~ and
- (2) paid instead to the state general fund.

(c) One-sixth (1/6) of the amount determined by the department under subsection (a) shall be:

(1) deducted during the year from the riverboat ~~admissions~~ **wagering** tax revenue otherwise payable under ~~IC 4-33-12-6(d)(1)~~ **IC 4-33-13-5(a)(1)(C)** to each of the following:

(A) The largest city by population located in the county.

(B) The second largest city by population located in the county.

(C) The third largest city by population located in the county; and

(2) paid instead to the state general fund."

Page 144, line 15, after "only" insert "**the pari-mutuel pull tab wagering tax (IC 4-31-7.6-3);**".

Page 144, line 17, after "(IC 4-33-12)" insert "**(repealed)**".

Page 148, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 129. IC 8-18-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) Except as provided in subsection (c), all expenses incurred in the maintenance of county highways shall be paid out of funds from the gasoline tax, special fuel tax, and the motor vehicle registration fees that are paid to the counties by the state, and from funds derived from the:

(1) county motor vehicle excise surtax;

(2) county wheel tax;

(3) county adjusted gross income tax;

(4) county option income tax; **or**

~~(5) riverboat admission tax (IC 4-33-12); or~~

~~(6)~~ **(5) riverboat wagering tax (IC 4-33-13).**

(b) Except as provided in subsection (c), no ad valorem property tax may be levied by any county for the maintenance of county highways, except in an emergency and by unanimous vote of the county fiscal body.

(c) The county fiscal body may appropriate money from the county general fund to the county highway department to pay for employees' personal services."

Page 157, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 137. IC 12-23-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. The addiction services fund is established for the deposit of excise taxes on alcoholic beverages as described in IC 7.1-4-11 and ~~taxes on riverboat admissions~~ **wagering taxes** under ~~IC 4-33-12-6~~ **IC 4-33-13-5(a)(2)(B).**

SECTION 138. IC 12-23-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. The general assembly shall appropriate money from the addiction services fund solely for the purpose of funding programs:

(1) that provide prevention services and intervention and treatment services for individuals who are psychologically or physiologically dependent upon alcohol or other drugs; and

(2) for the prevention and treatment of gambling problems.

Programs funded by the addiction services fund must include the creation and maintenance of a toll free telephone line under ~~IC 4-33-12-6-(f)(3)~~; **IC 4-33-13-5(d)** to provide the public with information about programs that provide help with gambling, alcohol, and drug addiction problems.

SECTION 139. IC 12-23-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. For each state fiscal year, the division may not spend more than an amount equal to five percent (5%) of the total amount received by the division from the fund established under section 2 of this chapter for the administrative costs associated with the use of money received from the fund. The division shall allocate at least twenty-five percent (25%) of the funds derived from the riverboat ~~admissions~~ **wagering** tax under ~~IC 4-33-12-6~~ **IC 4-33-13-5(a)(2)(B)** to the prevention and treatment of compulsive gambling."

Page 159, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 141. IC 20-5-6-9, AS ADDED BY P.L.17-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. (a) As used in this section, "public school endowment corporation" means a corporation that is:

(1) organized under the Indiana Nonprofit Corporation Act of 1991 (IC 23-17);

(2) organized exclusively for educational, charitable, and scientific purposes; and

(3) formed for the purpose of providing educational resources to:

(A) a particular school corporation or school corporations; or

(B) the schools in a particular geographic area.

(b) As used in this section, "proceeds from riverboat gaming" means tax revenue received by a political subdivision under IC 4-33-12-6 **(before its repeal)**, IC 4-33-13, or an agreement to share a city's or county's part of the tax revenue.

(c) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(d) A political subdivision may donate proceeds from riverboat gaming to a public school endowment corporation under the following conditions:

(1) The public school endowment corporation retains all rights to the donation, including investment powers.

(2) The public school endowment corporation agrees to return the donation to the political subdivision if the corporation:

(A) loses the corporation's status as a public charitable organization;

(B) is liquidated; or

1 (C) violates any condition of the endowment set by the fiscal  
2 body of the political subdivision.

3 (e) A public school endowment corporation may distribute both  
4 principal and income.

5 SECTION 142. IC 20-5-6-10, AS ADDED BY P.L.45-2002,  
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2002]: Sec. 10. (a) The governing body of a school  
8 corporation may donate the proceeds of a grant, a gift, a donation, an  
9 endowment, a bequest, a trust, or an agreement to share tax revenue  
10 received by a city or county under IC 4-33-12-6 (**before its repeal**) or  
11 IC 4-33-13, or other funds not generated from taxes levied by the  
12 school corporation, to a foundation under the following conditions:

13 (1) The foundation is a charitable nonprofit community  
14 foundation.

15 (2) The foundation retains all rights to the donation, including  
16 investment powers, except as provided in subdivision (3).

17 (3) The foundation agrees to do the following:

18 (A) Hold the donation as a permanent endowment.

19 (B) Distribute the income from the donation only to the school  
20 corporation as directed by resolution of the governing body of  
21 the school corporation.

22 (C) Return the donation to the general fund of the school  
23 corporation if the foundation:

24 (i) loses the foundation's status as a public charitable  
25 organization;

26 (ii) is liquidated; or

27 (iii) violates any condition of the endowment set by the  
28 governing body of the school corporation.

29 (b) A school corporation may use income received under this  
30 section from a community foundation only for purposes of the school  
31 corporation."

32 Page 173, between lines 9 and 10, begin a new paragraph and insert:  
33 "SECTION 155. IC 34-24-3-1 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) If a person  
35 suffers a pecuniary loss as a result of a violation of IC 35-43,  
36 IC 35-42-3-3, IC 35-42-3-4, or IC 35-45-9, the person may bring a civil  
37 action against the person who caused the loss for the following:

38 (1) **Except as provided in subsection (b)**, an amount not to  
39 exceed three (3) times the actual damages of the person suffering  
40 the loss.

41 (2) The costs of the action.

42 (3) A reasonable attorney's fee.

43 (4) Actual travel expenses that are not otherwise reimbursed  
44 under subdivisions (1) through (3) and are incurred by the person  
45 suffering loss to:

46 (A) have the person suffering loss or an employee or agent of  
47 that person file papers and attend court proceedings related to

- 1 the recovery of a judgment under this chapter; or
- 2 (B) provide witnesses to testify in court proceedings related to
- 3 the recovery of a judgment under this chapter.
- 4 (5) A reasonable amount to compensate the person suffering loss
- 5 for time used to:
- 6 (A) file papers and attend court proceedings related to the
- 7 recovery of a judgment under this chapter; or
- 8 (B) travel to and from activities described in clause (A).
- 9 (6) Actual direct and indirect expenses incurred by the person
- 10 suffering loss to compensate employees and agents for time used
- 11 to:
- 12 (A) file papers and attend court proceedings related to the
- 13 recovery of a judgment under this chapter; or
- 14 (B) travel to and from activities described in clause (A).
- 15 (7) All other reasonable costs of collection.
- 16 **(b) The owner of a riverboat licensed under IC 4-33 or the**
- 17 **owner's assignee who suffers a pecuniary loss as the result of a**
- 18 **violation of IC 35-43-5-5 is entitled to the actual damages resulting**
- 19 **from the violation. In addition, the owner or the owner's assignee**
- 20 **is entitled to the amounts described in subsection (a)(2) through**
- 21 **(a)(7).**
- 22 SECTION 156. IC 35-45-5-4 IS AMENDED TO READ AS
- 23 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) Except as
- 24 provided in subsection (b), a person who:
- 25 (1) knowingly or intentionally owns, manufactures, possesses,
- 26 buys, sells, rents, leases, repairs, or transports a gambling device,
- 27 or offers or solicits an interest in a gambling device;
- 28 (2) before a race, game, contest, or event on which gambling may
- 29 be conducted, knowingly or intentionally transmits or receives
- 30 gambling information by any means, or knowingly or intentionally
- 31 installs or maintains equipment for the transmission or receipt of
- 32 gambling information; or
- 33 (3) having control over the use of a place, knowingly or
- 34 intentionally permits another person to use the place for
- 35 professional gambling;
- 36 commits promoting professional gambling, a Class D felony.
- 37 (b) Subsection (a)(1) does not apply to a boat manufacturer who:
- 38 (1) transports or possesses a gambling device solely for the
- 39 purpose of installing that device in a boat that is to be sold and
- 40 transported to a buyer; and
- 41 (2) does not display the gambling device to the general public or
- 42 make the device available for use in Indiana.
- 43 (c) When a public utility is notified by a law enforcement agency
- 44 acting within its jurisdiction that any service, facility, or equipment
- 45 furnished by it is being used or will be used to violate this section, it
- 46 shall discontinue or refuse to furnish that service, facility, or
- 47 equipment, and no damages, penalty, or forfeiture, civil or criminal,

may be found against a public utility for an act done in compliance with such a notice. This subsection does not prejudice the right of a person affected by it to secure an appropriate determination, as otherwise provided by law, that the service, facility, or equipment should not be discontinued or refused, or should be restored.

**(d) Subsection (a)(1) does not apply to a person who:**

**(1) possesses an antique slot machine;**

**(2) restricts display and use of the antique slot machine to the person's private residence; and**

**(3) does not use the antique slot machine for profit.**

**(e) As used in this section, "antique slot machine" refers to a slot machine that is:**

**(1) at least forty (40) years old; and**

**(2) possessed and used for decorative, historic, or nostalgic purposes.**

SECTION 157. IC 35-45-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. This chapter does not apply to the publication or broadcast of an advertisement, a list of prizes, or other information concerning:

**(1) pari-mutuel wagering on horse races or a lottery authorized by the law of any state; or**

**(2) a game of chance operated in accordance with IC 4-32; or**

**(3) a pari-mutuel pull tab game operated in accordance with IC 4-31-7.5.**

SECTION 158. IC 35-45-5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 11. This chapter does not apply to the sale of pari-mutuel pull tab tickets authorized by IC 4-31-7.5.**

SECTION 160. IC 36-1-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. (a) Each unit that receives tax revenue under IC 4-33-12-6 (**before its repeal**), IC 4-33-13, or an agreement to share a city's or county's part of the tax revenue may establish a riverboat fund. Money in the fund may be used for any legal or corporate purpose of the unit.

(b) The riverboat fund established under subsection (a) shall be administered by the unit's treasurer, and the expenses of administering the fund shall be paid from money in the fund. Money in the fund not currently needed to meet the obligations of the fund may be invested in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of a particular fiscal year does not revert to the unit's general fund.

SECTION 161. IC 36-1-14-1, AS AMENDED BY P.L.17-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) This section does not apply to donations of proceeds from riverboat gaming to a public school endowment corporation under IC 20-5-6-9.

(b) As used in this section, "riverboat gaming revenue" means tax revenue received by a unit under IC 4-33-12-6 (**before its repeal**), IC 4-33-13, or an agreement to share a city's or county's part of the tax revenue.

(c) Notwithstanding IC 8-1.5-2-6(d), a unit may donate the proceeds from the sale of a utility or facility or from a grant, a gift, a donation, an endowment, a bequest, a trust, or riverboat gaming revenue to a foundation under the following conditions:

(1) The foundation is a charitable nonprofit community foundation.

(2) The foundation retains all rights to the donation, including investment powers.

(3) The foundation agrees to do the following:

(A) Hold the donation as a permanent endowment.

(B) Distribute the income from the donation only to the unit as directed by resolution of the fiscal body of the unit.

(C) Return the donation to the general fund of the unit if the foundation:

(i) loses the foundation's status as a public charitable organization;

(ii) is liquidated; or

(iii) violates any condition of the endowment set by the fiscal body of the unit.

SECTION 162. IC 36-7-11-4.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.3. (a) An ordinance that establishes a historic preservation commission under section 4 **or 4.5** of this chapter may authorize the staff of the commission, on behalf of the commission, to grant or deny an application for a certificate of appropriateness.

(b) An ordinance adopted under this section must specify the types of applications that the staff of the commission is authorized to grant or deny. The staff may not be authorized to grant or deny an application for a certificate of appropriateness for the following:

(1) The demolition of a building.

(2) The moving of a building.

(3) The construction of an addition to a building.

(4) The construction of a new building.

SECTION 163. IC 36-7-11-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) This section applies to the following towns located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000):**

**(1) A town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200).**

**(2) A town having a population of less than one thousand five**

1           hundred (1,500).

2           (b) The towns described in subsection (a) may enter into an  
3 interlocal agreement under IC 36-1-7 to establish a joint historic  
4 district under this chapter. An ordinance entering into the  
5 interlocal agreement must provide for the following membership  
6 of a joint historic preservation commission to administer the joint  
7 historic district:

8           (1) A member of the town council of a town described in  
9 subsection (a)(1).

10          (2) A member of the town council of a town described in  
11 subsection (a)(2).

12          (3) The owner of a historic resort hotel located in a town  
13 described in subsection (a)(1) or the owner's designee.

14          (4) The owner of a historic resort hotel located in a town  
15 described in subsection (a)(2) or the owner's designee.

16          (5) An individual appointed by the Historic Landmarks  
17 Foundation of Indiana.

18          (6) An individual who resides in the county described in  
19 subsection (a) appointed by the town council of a town  
20 described in subsection (a)(1).

21          (7) An individual who resides in the county described in  
22 subsection (a) appointed by the town council of a town  
23 described in subsection (a)(2).

24          The members described in subdivisions (1) and (2) shall be  
25 appointed by the town councils of the respective towns.

26          (c) A member of the commission described in subsection (b)(1)  
27 or (b)(2) shall serve for the duration of the member's term of office  
28 on the town council. The members described in subsection (b)(5)  
29 through (b)(7) shall each serve for a term of three (3) years.  
30 However, the terms of the original voting members may be for one  
31 (1) year, two (2) years, or three (3) years in order for the terms to  
32 be staggered, as provided by the ordinance. A vacancy shall be  
33 filled for the duration of the term by the original appointing  
34 authority.

35          (d) The ordinance may provide qualifications for members of  
36 the commission described in subsection (b)(6) and (b)(7). In  
37 addition, the members appointed under subsection (b)(6) and (b)(7)  
38 must be residents of the county that are interested in the  
39 preservation and development of historic areas. The members of  
40 the commission should include professionals in the disciplines of  
41 architectural history, planning, and other disciplines related to  
42 historic preservation, to the extent that those professionals are  
43 available in the community. The ordinance may also provide for  
44 the appointment of advisory members that the legislative body  
45 considers appropriate.

46          (e) Each member of the commission must, before beginning the  
47 discharge of the duties of the member's office, do the following:

48          (1) Take an oath that the member will faithfully execute the



1 duties of the member's office according to Indiana law and  
 2 rules adopted under Indiana law.

3 (2) Provide a bond to the state that:

4 (A) is approved by the Indiana gaming commission;

5 (B) is for twenty-five thousand dollars (\$25,000); and

6 (C) is, after being executed and approved, recorded in the  
 7 office of the secretary of state.

8 (f) The ordinance may:

9 (1) designate an officer or employee of a town described in  
 10 subsection (a) to act as administrator;

11 (2) permit the commission to appoint an administrator who  
 12 shall serve without compensation except reasonable expenses  
 13 incurred in the performance of the administrator's duties; or

14 (3) provide that the commission act without the services of an  
 15 administrator.

16 (g) Members of the commission shall serve without  
 17 compensation except for reasonable expenses incurred in the  
 18 performance of their duties.

19 (h) The commission shall elect from its membership a  
 20 chairperson and vice chairperson, who shall serve for one (1) year  
 21 and may be reelected.

22 (i) The commission shall adopt rules consistent with this chapter  
 23 for the transaction of its business. The rules must include the time  
 24 and place of regular meetings and a procedure for the calling of  
 25 special meetings. All meetings of the commission must be open to  
 26 the public, and a public record of the commission's resolutions,  
 27 proceedings, and actions must be kept. If the commission has an  
 28 administrator, the administrator shall act as the commission's  
 29 secretary. If the commission does not have an administrator, the  
 30 commission shall elect a secretary from its membership.

31 (j) The commission shall hold regular meetings, at least  
 32 monthly, except when it has no business pending.

33 (k) A decision of the commission is subject to judicial review  
 34 under IC 4-21.5-5 as if it were a decision of a state agency.

35 (l) Money acquired by the historic preservation commission:

36 (1) is subject to the laws concerning the deposit and  
 37 safekeeping of public money; and

38 (2) must be deposited under the advisory supervision of the  
 39 state board of finance in the same way and manner, at the  
 40 same rate of interest, and under the same restrictions as other  
 41 state money.

42 (m) The money of the historic preservation commission and the  
 43 accounts of each officer, employee, or other person entrusted by  
 44 law with the raising, disposition, or expenditure of the money or  
 45 part of the money are subject to the following:

46 (1) Examination by the state board of accounts.

47 (2) The same penalties and the same provision for publicity  
 48 that are provided by law for state money and state officers.

SECTION 164. IC 36-7-11-4.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.6. An ordinance that establishes a historic preservation commission under section 4 **or 4.5** of this chapter may:

(1) authorize the commission to:

(A) acquire by purchase, gift, grant, bequest, devise, or lease any real or personal property, including easements, that is appropriate for carrying out the purposes of the commission;

(B) hold title to real and personal property; and

(C) sell, lease, rent, or otherwise dispose of real and personal property at a public or private sale on the terms and conditions that the commission considers best; and

(2) establish procedures that the commission must follow in acquiring and disposing of property.

SECTION 165. IC 36-7-11-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 23. (a) This section applies to a historic preservation commission established by section 4.5 of this chapter.**

**(b) In addition to the commission's other duties set forth in this chapter, the commission shall do the following:**

**(1) Designate a fiscal agent who must be the fiscal officer of one (1) of the towns described in section 4.5(a) of this chapter.**

**(2) Employ professional staff to assist the commission in carrying out its duties under this section.**

**(3) Engage consultants, attorneys, accountants, and other professionals necessary to carry out the commission's duties under this section.**

**(4) Own the riverboat license described in IC 4-33-6-1(a)(6).**

**(5) Develop requests for proposals for persons interested in operating and managing the riverboat authorized under IC 4-33 on behalf of the commission as the riverboat's licensed operating agent.**

**(6) Recommend a person to the Indiana gaming commission that the historic preservation commission believes will:**

**(A) promote the most economic development in the area surrounding the historic district;**

**(B) best meet the criteria set forth in IC 4-33-6-4; and**

**(C) best serve the interests of the citizens of Indiana.**

**However, the Indiana gaming commission is not bound by the recommendation of the historic preservation commission.**

SECTION 166. IC 36-7-11-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24. (a) This section applies to a historic preservation commission established by section 4.5 of this chapter.**

**(b) In addition to the commission's other powers set forth in this chapter, the commission shall do the following:**

(1) Enter contracts to carry out the commission's duties under section 23 of this chapter, including contracts for the construction, maintenance, operation, and management of a riverboat to be operated in the historic district under IC 4-33.

(2) Provide recommendations to the Indiana gaming commission concerning the operation and management of a riverboat to be operated in the historic district under IC 4-33.

(c) This section may not be construed to limit the powers of the Indiana gaming commission with respect to the administration and regulation of riverboat gaming under IC 4-33.

SECTION 167. IC 36-7-11.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 11.4. Community Trust Fund**

**Sec. 1. This section applies to a historic district established by IC 36-7-11-4.5.**

**Sec. 2. As used in this chapter, "fund" refers to the community trust fund established by section 4 of this chapter.**

**Sec. 3. As used in this chapter, "historic preservation commission" refers to the historic preservation commission described in IC 36-7-11-4.5.**

**Sec. 4. (a) The community trust fund is established.**

**(b) The fund consists of the following:**

**(1) Money disbursed from the historic preservation commission.**

**(2) Donations.**

**(3) Interest and dividends on assets of the fund.**

**(4) Money transferred to the fund from other funds.**

**(5) Money from any other source.**

**Sec. 5. (a) The historic preservation commission shall manage and develop the fund and the assets of the fund.**

**(b) The historic preservation commission shall do the following:**

**(1) Establish a policy for the investment of the fund's assets.**

**(2) Perform other tasks consistent with prudent management and development of the fund.**

**Sec. 6. (a) Subject to the investment policy of the historic preservation commission, the fiscal agent appointed by the historic preservation commission shall administer the fund and invest the money in the fund.**

**(b) The expenses of administering the fund and implementing this chapter shall be paid from the fund.**

**(c) Money in the fund that is not currently needed to meet the obligations of the fund may be invested in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund.**

**(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.**

**Sec. 7. (a) The historic preservation commission has the sole**

authority to allocate money from the fund for the following purposes:

(1) The preservation, restoration, maintenance, operation, and development of the French Lick historic resort hotel.

(2) The preservation, restoration, maintenance, operation, and development of the West Baden historic resort hotel.

(3) Infrastructure projects and other related improvements in the surrounding community.

(b) Money allocated under subsection (a)(1) and (a)(2) must be divided equally between the two (2) historic resort hotels.

**Sec. 8. The historic preservation commission shall prepare an annual report concerning the fund and submit the report to the legislative council before October 1 of each year. The report is a public record."**

Page 222, delete lines 18 through 19, begin a new paragraph and insert:

"SECTION 171. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 4-33-2-8; IC 4-33-4-19; IC 4-33-9-2.

SECTION 172. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2002]: IC 4-12-9-4; IC 4-33-12-1; IC 4-33-12-2; IC 4-33-12-3; IC 4-33-12-4; IC 4-33-12-5; IC 4-33-12-6; IC 4-33-15."

Page 222, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 173. [EFFECTIVE JULY 1, 2002] **The riverboat admissions tax may not be collected after June 30, 2002.**

SECTION 174. [EFFECTIVE JULY 1, 2002] (a) **The Indiana gaming commission shall adopt the emergency rules required under IC 4-31-7.5-11, as added by this act, before January 1, 2003.**

**(b) This SECTION expires January 31, 2003.**

SECTION 175. [EFFECTIVE UPON PASSAGE] (a) **The Indiana gaming commission shall adopt a resolution authorizing a riverboat licensed under IC 4-33 to permit the continuous ingress and egress of patrons for the purpose of gambling. The commission may exercise any power necessary to implement this act under a resolution authorized under this SECTION.**

**(b) This SECTION expires December 31, 2002.**

SECTION 176. [EFFECTIVE UPON PASSAGE] (a) **If the Indiana gaming commission determines that a permit holder has met the requirements of this act, the Indiana gaming commission shall adopt a resolution authorizing a permit holder to sell pari-mutuel pull tabs under IC 4-31-7.5, as added by this act. The commission may exercise any power necessary to implement this act under a resolution authorized under this SECTION.**

**(b) This SECTION expires December 31, 2002."**

Page 228, delete lines 17 through 19.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001(ss) as printed June 13, 2002.)

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Senator NUGENT